

In the Matter of:)
)
Regular Meeting)
)

THURSDAY, APRIL 18, 2019

Reported by:
Martha Nelson

APPEARANCES

COMMITTEE MEMBERS

Chuck Winner, Chair
Madeline Auerbach, Vice Chair
Fred Maas, Commissioner
Alex Solis, Commissioner
Araceli Ruano, Commissioner
Dennis Alfieri, Commissioner

STAFF

Rick Baedeker, Executive Director
Jacqueline Wagner, Assistant Executive Director
John McDonough, Chief Counsel
Robert Brodnik, Staff Counsel
Robert Miller, Annuitant Retiree Staff Counsel
Mike Marten, Associate Analyst
Rick Arthur, Equine Medical Director

ALSO PRESENT

Larry Lucero
Anthony Lesser
John Valenzuela, Pari-Mutual Guild Local 280
Rene Rowland, Paw PAC
Amanda Lundberg

APPEARANCES

ALSO PRESENT

April Montgomery

Edward Barrera, on behalf of Senator Susan Rubio

Howard Steniger

Debbie Barklay

Damascus Castellanos, Teamsters Local 485

Elvia Sedano

Celia Asebedo

Kiersten Cluster, Elephant Guardians of Los Angeles

Pavla McGaard, Thor-Bred Stables, LLC

Zafir Molina

Cliff Goodrich, Thoroughbred Horsemen's Foundation

Luis Giordano

Wayne Johnson

Ron McGill

Heather Wilson

Larry Swartzlander, Alameda County Fair

Jim Perez, California Harness Horsemen's Association

Alan Balch, California Thoroughbred Trainers

Faramarz Nabori

Eric Sindler, The Stronach Group

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and 133, Application for Approval to Conduct Advance Deposit Wagering, to capture CHRB license information for specified persons; clarify the term of license for ADW providers and collect financial information, including profit and loss statements, specific to entities' California operations. (Note: This concludes the 45-day public comment period. The Board may adopt the proposal as presented.)

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- A. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending litigation described in the attachment to this agenda captioned "Pending Litigation," and as authorized by Government Code section 11126(e).
- B. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending administrative licensing or disciplinary matters described in the attachment to this agenda captioned "Pending Administrative Adjudications," as authorized by Government Code section 11126(e).
- C. The Board may convene a Closed Session for the purposes of considering personnel matters as authorized by Government Code section 11126(a).

P R O C E E D I N G S

9:37 A.M.

ARCADIA, CALIFORNIA, THURSDAY, APRIL 18, 2019

CHAIR WINNER: Good morning. Ladies and gentlemen, this meeting of the California Horse Racing Board will come to order. Will everyone please find a seat? Thank you. This is the regular noticed meeting of the California Horse Racing Board on Thursday, April 18th, 2019 at Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California.

Present at today's meeting are: myself, Chuck Winner, Chairman; Madeline Auerbach, First Vice Chairman; Fred Maas, Commissioner; Araceli Ruano, Commissioner; Alex Solis, Commissioner; and Dennis Alfieri, Commissioner;

Before we go on to the business of the meeting, let me please make a few moments.

The Board invites public comment on matters appearing on the meeting agenda. And the Board also invites comments from those present today on matters not appearing on the agenda during a public comment period if the matter concerns horse racing in California.

In order to ensure all individuals have an opportunity to speak and the meeting proceeds in a timely fashion, I'll strictly enforce the three-minute time limit

1 rule for each speaker. The three-minute time limit rule
2 will be enforced during discussion of all matters as stated
3 on the agenda, as well as during the public comment period.

4 There's a public comment sign-in sheet for each
5 agenda matter on which the Board invites comments. Also,
6 there's a sign-in sheet for those wishing to speak during
7 the public comment period for matters not on the Board's
8 agenda but if they concern horse racing in California.

9 The gentleman right over there, Mike Marten, for
10 those of you who don't know, will fill out a card -- will
11 give you a card to fill out with your name and affiliation.
12 Please print your name legibly on the public comment sign-in
13 sheet.

14 When a matter is open for public comment, your
15 name will be called. Please come to the podium. Introduce
16 yourself by stating your name and organization clearly.
17 This is necessary for the court reporter to have a clear
18 record of all who speak. When your three minutes are up
19 I'll ask you to return to your seat so others can be heard.

20 When all the names have been called, I'll ask if
21 there's anyone else who would like to speak on the matter
22 before the Board. Also, the Board may ask questions of
23 individuals who speak. If a speaker repeats himself or
24 herself, I'll ask if the speaker has anything -- more
25 comments to make. If there are none, the speaker will be

1 asked to let others make comments to the Board.

2 The first item on the agenda is the approval of
3 the minutes from the November 29th, 2018 meeting.

4 And I think we can go ahead and move that at this
5 point because we have enough of a quorum of those who were
6 at that meeting. So are there any additions or changes to
7 the minutes from that meeting, November 29th, 2018? Any
8 amendments? Is there a motion to approve?

9 COMMISSIONER SOLIS: Move.

10 CHAIR WINNER: Commissioner Solis moves to
11 approve.

12 Commissioner Maas seconds?

13 COMMISSIONER MAAS: Commissioner Maas does not
14 second.

15 VICE CHAIR AUERBACH: Second.

16 CHAIR WINNER: Vice Chair Auerbach seconds.

17 Let me just see. Okay.

18 You were there. Can you go ahead and -- how do
19 you vote?

20 COMMISSIONER RUANO: Yes.

21 CHAIR WINNER: Okay. Commissioner Ruano votes
22 yes.

23 Vice Chair Auerbach?

24 VICE CHAIR AUERBACH: Yes.

25 CHAIR WINNER: Chairman was -- Chairman votes yes.

1 Commissioner Solis?

2 COMMISSIONER SOLIS: Yes.

3 CHAIR WINNER: Okay. The matter carries.

4 Going on to item number two, approval of the
5 minutes of the March 28th, 2019 Board meeting.

6 Are there any corrections or additions? Is there
7 a motion to approve?

8 COMMISSIONER MAAS: Move.

9 CHAIR WINNER: Commissioner Maas votes to approve.

10 COMMISSIONER ALFIERI: Second.

11 CHAIR WINNER: Seconded by Commissioner Alfieri.

12 How do you vote, Commissioner Alfieri?

13 COMMISSIONER ALFIERI: Yes.

14 COMMISSIONER MAAS: Yes.

15 CHAIR WINNER: Commissioner Maas?

16 COMMISSIONER MAAS: Yes.

17 CHAIR WINNER: Commissioner Solis?

18 COMMISSIONER SOLIS: Yes.

19 CHAIR WINNER: Chairman votes yes.

20 Vice Chair?

21 VICE CHAIR AUERBACH: Yes.

22 CHAIR WINNER: Commissioner Ruano?

23 COMMISSIONER RUANO: I'm going to abstain because
24 I wasn't present.

25 CHAIR WINNER: Commissioner Ruano was not here so

1 she abstains.

2 The motion carries unanimously by those who were
3 present.

4 Moving on then to item number three, the Executive
5 Director's Report.

6 Rick?

7 EXECUTIVE DIRECTOR BAEDEKER: Thank you, Mr.
8 Chairman.

9 I'd like to provide the Board an update on the
10 Task Force investigations into the losses at Santa Anita. I
11 can tell you that there are four CHRB investigators working
12 full-time on the investigations. I believe all but one of
13 the necropsies have been completed. CHRB has issued more
14 than 70 subpoenas for documents. Cooperation has been very
15 good from all responding parties but, as you can guess, this
16 is a very detailed, very thoroughbred, very complicated
17 process. Investigations take time. But I can assure the
18 Board and all interested parties that it is -- remains the
19 highest priority for CHRB, working in conjunction with the
20 district attorney's office.

21 I'd also like to note that there will be an
22 additional Medication Committee meeting on May 22nd, that's
23 the Wednesday before the regularly-scheduled Board meeting
24 in May.

25 And finally, I'd like to refer to something that

1 probably everybody saw over the last couple of days, and
2 that was the announcement by most of the racetracks and
3 entities in the country, announcing a joint effort to move
4 forward on the issue of Lasix, the administration of Lasix.

5 Churchill Downs, the New York tracks, The Stronach
6 Group with its tracks in California, Maryland, Florida,
7 Keeneland, Del Mar, Lone Star Park in Texas, as well
8 Remington there, Los Alamitos Thoroughbreds, Oaklawn Park,
9 Tampa Bay, joined by the Breeders' Cup, TOBA, Thoroughbred
10 Owners and Beeders Association, as well as the Kentucky
11 Thoroughbred Association, working together and, pleased to
12 say, bringing in interested parties, such as the CHRB,
13 working with Chairman Winner on the details of the program.

14 And I believe it's the first time in maybe more
15 than 20 years that -- maybe since the foundation and
16 formation of the NTRA, National Thoroughbred Racing
17 Association, that owners, breeders, racetracks across the
18 country have joined together to move forward. And I think
19 everybody probably characterizes this announcement as a very
20 significant and important first step in continuing to work
21 together, so that's good news. We can use the good news.

22 And that's my report, Mr. Chairman.

23 CHAIR WINNER: Thank you very much, Mr. Baedeker.

24 And I, too, would like, to congratulate everyone
25 who was involved in this joint agreement because it is, as

1 Rick said, very, in my view, very, very good for horse
2 racing that the industry is coming together and working
3 together for the betterment of the horses and the industry
4 as a whole.

5 I should come that the agreement between The
6 Stronach Group and TOC that was voted on at our last meeting
7 with respect to the use of Lasix in California during the
8 current meets at both Golden Gate and Santa Anita are not
9 affected by this agreement, that our rules, which going a
10 little further with respect to same-day medication and the
11 reduction and the use of Lasix to five CCs, that continues.

12 All right, we're going on to public comment period
13 and I have a number of cards here of people who want to
14 speak during the public comment period, so I'm going to
15 strictly enforce, as I said earlier, the three-minute time
16 limit rule. And we'll just go right through them as I was
17 handed them.

18 We'll start with Larry Lucero. And I don't know
19 if I pronounced that correctly but I hope I did.

20 Is Mr. Lucero here?

21 MR. LUCERO: Yes.

22 CHAIR WINNER: Ms. Lucero. I apologize. And I
23 didn't --

24 VICE CHAIR AUERBACH: It's Mister.

25 EXECUTIVE DIRECTOR BAEDEKER: Mister.

1 CHAIR WINNER: Oh, Mister? Where? Where? Where?

2 EXECUTIVE DIRECTOR BAEDEKER: Right here.

3 VICE CHAIR AUERBACH: Right here.

4 VICE CHAIR AUERBACH: It's the long hair. I'm
5 jealous of his hair.

6 (Mr. Lucero hands out printed materials to the Board
7 Members.)

8 CHAIR WINNER: Mr. Lucero, did I pronounce your
9 name correctly?

10 MR. LUCERO: Yes.

11 CHAIR WINNER: And would you -- if you go to the
12 podium, please identify -- the card does not identify the
13 organization that you're representing, if any. Go to the
14 podium over there, if you don't mind?

15 MR. LUCERO: Good morning.

16 CHAIR WINNER: Good morning.

17 MR. LUCERO: I'd like to thank the panel for
18 taking the --

19 CHAIR WINNER: You want to -- you should introduce
20 yourself --

21 MR. LUCERO: Oh, I'm sorry.

22 CHAIR WINNER: -- for the Court Reporter please.

23 MR. LUCERO: Larry Lucero, just representing
24 myself.

25 CHAIR WINNER: Thank you. Go ahead.

1 MR. LUCERO: I'd like to thank the panel and
2 everyone here today who took time from their busy schedule
3 to address the current situation here at Santa Anita Park.

4 Although not new to the horse racing industry,
5 this is new for Santa Anita. The safety and betterment of
6 these beloved horses/athletes are paramount.

7 Mr. Bob Baffert, a man of few words yet
8 meaningful, stated it quite simply, "They're not our
9 livelihood, they're a way of life, they're our way of life."

10 Another unique component in this situation is it's
11 not an us versus them. I believe all parties involved, much
12 like that of a parent to a child, a parent should always put
13 the need of the child first.

14 I'd like to ask the panel, if I may, if anybody
15 currently owns a horse, just by a show of hands?

16 CHAIR WINNER: You're asking us?

17 MR. LUCERO: Yes, please.

18 CHAIR WINNER: Yeah.

19 MR. LUCERO: Just the two? Three?

20 If you don't currently, have you ever in that past
21 owned a horse?

22 CHAIR WINNER: Well, let me just tell you, Mr.
23 Lucero that --

24 MR. LUCERO: Yes, sir.

25 CHAIR WINNER: -- it's our job to ask the

1 questions.

2 MR. LUCERO: Oh, I'm sorry.

3 CHAIR WINNER: That's okay.

4 MR. LUCERO: I'll just skip this part then. Thank
5 you so much.

6 California, as a state, has always been a leader
7 for the great country of ours, from ideas, concepts,
8 innovation, technology, and so many other areas. This is an
9 excellent opportunity to show others in the industry that we
10 can and will improve on this matter at hand. And I see it's
11 already spreading through the nation.

12 No matter how good a system is, there's always
13 room for improvement. Please don't allow yourself to become
14 stagnant or accept the status quo. Always look to improve.

15 Horse racing is a very complex and intricate
16 sport, especially here in California. There are too many
17 facets to mention, owners, trainers, horse breeders,
18 veterinarians, grooms, jockeys, the list goes on, ticket
19 takers, everybody, and I know little to nothing of the daily
20 operations. It is important to make decisions regarding
21 this matter are made with intense research, well-informed,
22 non-biased, and true to one self's knowledge, ask questions,
23 investigate. I see that's happening. It's great. I'm glad
24 to see that, you know, getting involved and we want to know.
25 It should be transparent.

1 I think with sincere intentions, we can make this
2 sport to be the greatest. These athletes are beyond
3 amazing. True love is held by most, if not all, involved in
4 the sport. They are truly poetry in motion and we need to
5 give them the respect that they deserve.

6 I've only been exposed to this sport for 40 years.
7 When my mom first brought me to the Santa Anita Handicap,
8 March 3rd, 1978. She brought me. She said, "Watch this
9 horse Vigors, you won't believe it."

10 I encourage you all, it's on YouTube, an amazing
11 horse with a lot of heart.

12 CHAIR WINNER: Thank you.

13 MR. LUCERO: And I appreciate your time.

14 CHAIR WINNER: Thank you very much and we agree
15 with you.

16 MR. LUCERO: Thank you, Mr. Winner.

17 CHAIR WINNER: Thank you very, very much.

18 I'm going right along then. Andrew Lesser, M.D.

19 DR. LESSER: Good morning, Members of the Board.

20 Andrew Lesser. I am a physician. I'm speaking as an
21 individual today. I drove in from Redondo Beach to be here
22 because I felt it was important.

23 Originally, I'm from New York. My father was the
24 president of the Standardbred Owners Association in New
25 York, Yonkers Raceway, Roosevelt Raceway. I brought with me

1 a photo. This is from November 1959 and this is harness
2 racing, of course, but you know, the animals are the same,
3 just the equipment is different. The little guy in the
4 sulky is me at just under age seven. And although I grew up
5 in New York and we had horses there, we did race at
6 Hollywood Park for night racing.

7 It should be noted that there is no more Hollywood
8 Park for racing. And where I spent most of my time at the
9 track was Roosevelt Raceway on Long Island, and it also has
10 gone. So, you know, I don't know if that portends what's --
11 pardon me -- what will happen with the industry as a whole.

12 But, you know, a someone that grew up around
13 racetracks, I had no idea that, on average, two
14 thoroughbred, not Standardbred but, actually, just
15 thoroughbred horses, an average of two a day have been
16 sustaining severe enough injuries in the United States to
17 require euthanasia. And it's only when we had this sharp
18 increase at Santa Anita, a number of injuries and
19 euthanizations, stepped outside of the bell curve that I
20 became aware of this.

21 So, you know, I think inherently horse racing is
22 dangerous. And I do appreciate all the efforts of the Board
23 to make it safer, eliminating the use of Lasix. I know
24 probably phenylbutazone may still be used. I remember when
25 that was approved for human use and I took it myself for a

1 blood clot in a vein and it was extremely strong, extremely
2 effective. I guess it has some side effects because it's no
3 longer approved for human use, but it's still is used in
4 horses, so it's pretty darn strong.

5 So while appreciate all the efforts that are being
6 made to make horse racing safer, I'd like to point out that
7 an analogy is greyhound racing in Florida. I do anticipate
8 that there will be a ballot measure in California asking the
9 public whether or not they'd like to ban horse racing. And
10 I would urge Santa Anita Park right now to start thinking
11 about transitioning into just a casino to fulfill the needs
12 of gamblers.

13 And that's it. Thank you very much for your time.

14 (Applause.)

15 CHAIR WINNER: Thank you, doctor. Fortunately, we
16 also have Standardbred racing in California at Cal Expo in
17 Sacramento.

18 Rick, did you want to comment on the phenbuterol?

19 EXECUTIVE DIRECTOR BAEDEKER: Yeah, on the --

20 CHAIR WINNER: Could you?

21 EXECUTIVE DIRECTOR BAEDEKER: -- on the
22 phenylbutazone. I think most people know at the last
23 meeting the Board suspended the authorized thresholds for
24 all of the anti-inflammatory medications, as well as the
25 corticosteroids. So there is no permission for any of those

1 substances to be found in a post-race test. And I think it
2 should be pointed out that California is the only state that
3 has gone that far. There's an agenda item today to extend
4 the action that the Board took last month.

5 The other thing, you know, it's difficult to say
6 this in the context of everything that has happened but it
7 is the truth, the industry working together and the Equine
8 Medical Director of the Horse Racing Board working with the
9 official vets and the private veterinarians prior to this
10 crisis had achieved a 60 percent reduction in fatalities in
11 California, the lowest since we started keeping, at
12 headquarters, started keeping very detailed records since
13 2007. We were making tremendous progress for all the right
14 reasons that I think, and I'm sure everybody in the room
15 shares.

16 Unfortunately, we found ourselves now in this
17 situation that we have to deal with. I don't vote but I can
18 recognize the votes that the Board has taken and their bold
19 moves, the same thing can be said of The Stronach Group, in
20 response to what's happening.

21 So I hope everybody understands, there's no
22 complacency whatsoever, I don't think, on the part of any
23 industry member here in the room to continue doing
24 everything that can be done to reduce those losses, to get
25 them to, one day, to get them just as low as they possibly

1 can be.

2 CHAIR WINNER: Thanks, Rick.

3 And let me just add to that, that, as Rick said,
4 we were pleased that the number of catastrophics had gone
5 down since 2007, we hit a new low and, as Rick said, a 60
6 percent reduction.

7 One loss is too many. We all know that. The
8 objective is to somehow get, as Rick said, as low as we
9 possibly can. And this spate of injuries, catastrophic
10 injuries, that we are all dealing with and I think we're all
11 working hard to find ways to improve even more than we had
12 up to this point, has brought a light, both positive and
13 negative, positive in the sense that it is causing the
14 industry, as we said earlier, to make -- to take bold action
15 and to move forward jointly with new restrictions and
16 changes to racing that, hopefully, will continue to reduce
17 over time the number of injuries, both catastrophic and non-
18 catastrophic.

19 John Valenzuela? John, where are you? There you
20 are.

21 MR. VALENZUELA: Good morning, CHRB Chairs and
22 Commissioners. My name is John Valenzuela and I am the
23 President of the Pari-Mutuel Employees Guild of California,
24 Local 280, SEIU.

25 In our last meeting, as we stated, all members of

1 the SEIU Local 280 supported the investigation relating to
2 the issues at Santa Anita Racetrack. And like many horse
3 racing fans in California, we are eager to see horse racing
4 resume safely. We continually support the efforts to
5 improve safety across the industry for both horses and
6 jockeys.

7 We are still eager to see horse racing resume
8 safely during this investigation but our main concern here,
9 it has had a tragic impact against our livelihoods, all
10 members, and other Union employees, as well as all
11 employees, owners, trainers, vendors, entities, including
12 the jockeys and all those involved in this industry. It has
13 had a huge impact on our livelihoods.

14 Again, the continuing live racing will benefit the
15 industry and the fans. Local 280 supports live racing.

16 (An Amber Alert sounds on many cell phones throughout
17 the room.)

18 MR. VALENZUELA: Okay. Sorry about that.

19 Anyway, again, Local 280 supports live racing.
20 And as we speak, we are at four -- we were at four days of
21 racing and we support four days of racing and more, if
22 possible, especially for the lost days that we've had.

23 Again, thank you again for your time.

24 CHAIR WINNER: Thank you, John.

25 And any questions or comments for John?

1 Obviously, we all recognize, John, as we go
2 through this whole process the impact that all of this has
3 on the people who work at the racetracks and places that
4 support the racetracks, including the farms, and the impact
5 that it has on the backstretch workers and the people behind
6 the concessions stands and the people at the windows and
7 parking lot attendants and tractor drivers and so forth.
8 There's a human factor that we all have to take into
9 consideration, along with the, obviously, the extremely
10 important animal factor. So thank you for your comments.

11 Rene Rowland? Good morning again. I think I saw
12 you coming up the stairs.

13 MS. ROWLAND: Thank you for showing me the way.

14 CHAIR WINNER: Thank you.

15 MS. ROWLAND: I thought that was you. I had never
16 seen you before and I thought that I had run into you.

17 I'll set my timer right here so that I won't have
18 to look over there.

19 I am Rene Rowland. I am Chair of Paw PAC, a
20 Political Action Committee founded in 1981 for transparency
21 in our legislature regarding humane issues. We also work
22 for the election of candidates for the state legislative
23 offices who have scored highly on our assessments. I will
24 read the letter that I emailed to the Board last week. And
25 I also sent this to Governor Newsom and Lieutenant Governor

1 Kounalakis.

2 Mr. Baedeker, Mr. Winner, and esteemed
3 Commissioners of the Board, we urge you to permanently close
4 the Santa Anita Park and end the devastation and grief that
5 Californians can no longer withstand. About 120,000
6 individuals have signed petitions to this effect on some of
7 the online petitions.

8 My colleagues will speak about the many ethical
9 issues with horse racing, whipping, and the drugging, young
10 horses being raced before their bones and muscles have
11 reached maturity, injuries and deaths at the racetracks by
12 the thousands each year at all of the tracks. Horses are
13 slaughtered when they are no longer of value to the
14 industry, all for human vanity, vices and addictions, and at
15 the cost of the lives of these horses which have no choice
16 in this business.

17 Yet people have and do make choices. Dr. Martin
18 Luther King, Jr. is noted for saying, "The arc of the moral
19 universe is long but it bends towards justice."

20 Three hundred years ago it was acceptable to some
21 falsely-privileged tan-colored people to use darker-skinned
22 others as slaves, but no longer.

23 The moral arc is bending and it bends, as well,
24 for animal justice. There will come a time when keeping
25 animals as slaves is no longer acceptable. Forty-five

1 states have outlawed greyhound racing for similar
2 exploitations, as we mentioned here regarding horse racing.

3 Our senators and committee have just voted
4 unanimously to end the abuse of animals in circuses in the
5 state with overwhelming public support.

6 I am aware of SB 469. If any of the legislators
7 are here, I don't know if they are, please look for Paw
8 PAC's suggested amendments. We believe that just
9 recommending that we authorize the Board and that they --
10 that you may make emergency measures is not strong enough to
11 really protect the animals.

12 The issue of animal justice is one in the same
13 with all of the justice issues now facing us of gender,
14 race, class, immigration and gun control, of environment and
15 climate change, and even of international conflict.
16 California, the progressive leader, is bending that arc on
17 all these fronts. It's time to align our ethics and values
18 for the just treatment of horses with liberty and justice
19 for all. For all living beings, we stand as advocates,
20 alongside a public whose conscience is awakening as we
21 journey along the arc of our moral universe.

22 Thank you.

23 CHAIR WINNER: Thank you very much. Thank you for
24 your comments.

25 (Applause.)

1 VICE CHAIR AUERBACH: Rene?

2 CHAIR WINNER: Hold on. We have --

3 VICE CHAIR AUERBACH: Rene --

4 CHAIR WINNER: Ma'am, can you --

5 VICE CHAIR AUERBACH: Can you come back please?

6 I'm sure that when you talk about moral justice, you are --

7 want to be very careful with the things that you state as

8 truths; am I correct?

9 MS. ROWLAND: Well --

10 VICE CHAIR AUERBACH: I mean, everything that
11 you've said you believe are truths, so I want to discuss a
12 couple of your truths with you.

13 MS. ROWLAND: Absolutely.

14 VICE CHAIR AUERBACH: Okay. Horses are used up
15 and go to slaughter; that's not a truth.

16 You know, you speak about something as if you
17 really know it. And I think that you might want to educate
18 yourself a little better.

19 In the state of California, we have a very
20 wonderful organization and many organizations that take
21 these horses when they're through racing and bring them to
22 the retirement world. A lot of them lead lives kind of
23 enviable for most of us to look at.

24 Our horses do not go to slaughter. We have rules
25 and regulations against that and anybody caught sending an

1 of our horses to slaughter are banned and out of the sport.

2 So when you espouse that these horses go to
3 slaughter, you are not espousing the truth and I'm sure
4 that's not what you want. You have many other points that
5 you make and you make them well from your point of view.
6 But I would encourage you to remove that because it's not
7 factual.

8 (Applause.)

9 MS. ROWLAND: Are you speaking about the kill pen
10 rescues, the kill pen rescues that --

11 VICE CHAIR AUERBACH: No, ma'am. No, ma'am, I am
12 not. I am not. I submit to you that you need to do some
13 more investigation as to what happens with our horses when
14 their careers are over.

15 What you don't seem to acknowledge or appreciate
16 is how much we love these animals and how much the people
17 who work back there love these animals. And when we say,
18 when a horse unfortunately doesn't make it, when we say
19 we're heartbroken, we're not kidding. We don't stand up
20 with platitudes. We don't have a broad, we're the greatest
21 and don't need to improve because we're always trying to
22 improve. We don't paint everybody with the same brush
23 because it's not applicable. The horses that leave our
24 tracks at Santa Anita and Del Mar and Los Al, we do more
25 than a yeoman's job of making sure they have good lives.

1 So please correct what you do. We'd appreciate
2 it.

3 (Applause.)

4 MS. ROWLAND: The injuries and deaths speak for
5 themselves.

6 CHAIR WINNER: Ma'am? Rene, please.

7 MS. ROWLAND: Yes?

8 CHAIR WINNER: Commissioner Solis?

9 COMMISSIONER SOLIS: I also encourage a lot of
10 these people to watch a video on YouTube called
11 Calracingcares.com and you will see how well these horses
12 are treated and the love they get every day.

13 For 37 years, I rode races. I put my hands -- I
14 put my life in these horsemen's hands and never had a doubt
15 that they were trying to hurt me or hurt the horses.

16 MS. ROWLAND: Can you say the name of the YouTube
17 again?

18 EXECUTIVE DIRECTOR BAEDEKER: Calracing.com.

19 MS. ROWLAND: Calracing.com?

20 CHAIR WINNER: Calracing.com, yeah.

21 MS. ROWLAND: Okay. I've been there.

22 CHAIR WINNER: Let me just also say that, you
23 know, everybody appreciates your view on this. And as one
24 who's very involved in animal rights activities for almost
25 all animals, I can tell you that I absolutely understand

1 your concerns. But I can also tell you that as somebody
2 that's been involved in this sport for so long, it's hard to
3 imagine the amount of time, effort and resources that go
4 into caring for these animals, both while they're active
5 but, as Vice Chair Auerbach said, when they're no longer
6 active. Because when they're no longer active, of course,
7 there's no economic value.

8 So the industry has worked so hard to find ways to
9 find new vocations for these horses and to find aftercare
10 facilities for these horses to make sure that they're
11 treated humanely, properly, and with love and care for the
12 rest of their lives.

13 And I know, as one who's involved in it, you just
14 can't imagine how well and how much we love these animals
15 and we care for these animals. That does mean that we can't
16 do better. And it doesn't mean that one going down is not
17 too many because it is, we know that. But we also know that
18 these animals are extremely well cared for.

19 Go on the backstretch and spend time at any barn
20 you'd like and talk to the people back there who work on
21 their horses, who wrap their legs, who clean up after them,
22 who bathe them, ask them what they think about the animals
23 and how much they care. Ask anybody at this racetrack or
24 any racetrack how much they love and care for the animals.
25 If it were true in all other industries, how much people

1 care for the animals that they gain from, we're way ahead of
2 them, way ahead of them in almost every instance.

3 So I recognize your concern, I sympathize with it,
4 but I really disagree with your concern in this case.

5 MS. ROWLAND: I agree with Dr. Lesser's comment,
6 too, about considering transitioning to just a regular
7 casino. Because, from my viewpoint, if I --

8 CHAIR WINNER: First of all, that's illegal, so
9 that isn't -- that's not going to happen.

10 MS. ROWLAND: If I love an animal, I will not
11 exploit it for my own gain, so --

12 CHAIR WINNER: I understand.

13 MS. ROWLAND: -- that's where I'm coming from.

14 CHAIR WINNER: Thank you.

15 MS. ROWLAND: Thank you for your response.

16 CHAIR WINNER: Do you have a petition?

17 MS. ROWLAND: I do. I have some rescued animals.

18 CHAIR WINNER: So you're exploiting them for your
19 own gain?

20 MS. ROWLAND: No, no. I rescued them from their --
21 sorry. I take care of the community cats and I rescued a
22 dog that was --

23 CHAIR WINNER: Well, so I do I.

24 MS. ROWLAND: -- going to be --

25 CHAIR WINNER: I have five rescue dogs.

1 MS. ROWLAND: -- killed. Yeah. So --

2 CHAIR WINNER: Okay, five rescue dogs, and we
3 rescue them all the time, every day. I don't consider that
4 exploiting them any more than I consider what we do here
5 exploiting.

6 MS. ROWLAND: I don't hop on the dog and ride it,
7 so --

8 CHAIR WINNER: Go ahead Commissioner Araceli.

9 COMMISSIONER RUANO: Quickly, just as a follow up,
10 I mean, perhaps it would be helpful for the CHRB Staff to
11 get you information about the rules regarding slaughtering.
12 And then it would be probably helpful for you to understand
13 a little bit more about what organizations, like CARMA, that
14 help horses do here and expose yourself to that --

15 MS. ROWLAND: I'd more than --

16 COMMISSIONER RUANO: -- as part of the dialogue,
17 you know, just as part of our education, mutual education.

18 MS. ROWLAND: Yes. I'll give you my card and,
19 please, send me anything you want. Thank you. I'd be happy
20 to be in correspondence with you.

21 Thank you.

22 CHAIR WINNER: Thank you.

23 Any other questions or comments?

24 Thank you very much.

25 Amanda Lundberg? Amanda, good morning.

1 MS. LUNDBERG: Hello.

2 CHAIR WINNER: Please introduce yourself and your
3 organization, if any.

4 MS. LUNDBERG: Good morning. My name is Amanda
5 Lundberg and I'm just here with myself.

6 Horses are killed here at Santa Anita. They're
7 killed at Del Mar and all racetracks across the county.
8 According to Horseracingwrongs.com, 500 horses have been
9 killed here at Santa Anita in the past decade, 5,000 horses
10 have been killed in all of California since 1988, and 2,000
11 racehorses are killed yearly across the United States.

12 Horses used for raced too young and too hard.
13 They whipped to run at unnatural breakneck speeds. They
14 suffer painful injuries. They are a gambling pawn and that
15 is all.

16 Horse deaths here at Santa Anita are nothing new.
17 There is no spike in horse deaths. Santa Anita averages 50
18 deaths every year. So, in fact, they seem to be right on
19 schedule with previous racing seasons.

20 Death has always been and always will be a part of
21 horse racing. That is why we are calling -- we are here
22 calling for a complete ban on horse racing. We are not
23 interested in reform or so-called welfare improvements. We
24 want an end, an end to the suffering and an end to the
25 killing of innocent horses.

1 The following numbers were obtained by Horseracing
2 Wrongs through the Freedom of Information Act. 2007 to
3 2008, 51 dead racehorses here at Santa Anita 2008 to 2009,
4 41 dead racehorses here at Santa Anita. 2009 to 2010, 42
5 dead racehorses here at Santa Anita. 2011 to 2012, 71 dead
6 racehorses here at Santa Anita. 2012 to 2013, 43 dead
7 racehorses here at Santa Anita. 2013 to 2014, 52 dead
8 racehorses here at Santa Anita. 2014 to 2015, 46 dead
9 racehorses here at Santa Anita. 2015 to 2016, 62 dead
10 racehorses here at Santa Anita. 2016 to 2017, 64 dead
11 racehorses here at Santa Anita. 2017 to 2018, 44 dead
12 racehorses here at Santa Anita. From July 1st, 2007 to
13 March 5th, 2019 there have been 584 horse deaths here at
14 Santa Anita.

15 Horse racing kills horses, always has, always
16 will. You can love horses, you can love horse racing, but
17 you cannot love both.

18 (Applause.)

19 CHAIR WINNER: Thank you. Any questions?
20 Comments?

21 Go ahead.

22 VICE CHAIR AUERBACH: A couple of questions --

23 CHAIR WINNER: All right.

24 VICE CHAIR AUERBACH: -- for this young lady.

25 You said you're just yourself but you're not

1 yourself. You represent some group.

2 MS. LUNDBERG: I'm reading from
3 Horseracingwrongs.com.

4 VICE CHAIR AUERBACH: Okay. So you're --

5 MS. LUNDBERG: They requested Freedom of
6 Information Act requests. They've got --

7 VICE CHAIR AUERBACH: No, I was --

8 MS. LUNDBERG: -- they have all the information,
9 anybody can look them up, and these animals do go to
10 slaughter.

11 VICE CHAIR AUERBACH: No, they don't. You are
12 absolutely --

13 MS. LUNDBERG: Yes, they do.

14 VICE CHAIR AUERBACH: Okay.

15 MS. LUNDBERG: Thank you for your time.

16 VICE CHAIR AUERBACH: You know what, young lady?
17 Young lady, we allowed you to speak. Now, would you please
18 respond, if you would? I want you to give me the proof.

19 MS. LUNDBERG: Horseracingwrongs.com, Freedom of
20 Information Act request.

21 VICE CHAIR AUERBACH: That's not -- look, I can
22 put any --

23 MS. LUNDBERG: They're a Freedom of Information
24 Act request.

25 VICE CHAIR AUERBACH: You know --

1 MS. LUNDBERG: That is factual.

2 VICE CHAIR AUERBACH: -- young lady, you are very
3 passionate and I admire passion, and I admire people who
4 believe in their -- in what they're saying. And no one is
5 denying certain facts. They're very happy and uncomfortable
6 for all of us.

7 You want to make this a zero-end game and we
8 understand it. You got up and you quoted a lot of
9 statistics. I don't hear anybody getting up and --

10 MS. LUNDBERG: No, they were factual numbers.
11 These were not just statistics.

12 VICE CHAIR AUERBACH: They're statistics. Numbers
13 are statistics.

14 MS. LUNDBERG: Yeah.

15 VICE CHAIR AUERBACH: Okay. What we would like
16 you to do is understand that you work in a context of an
17 entire community. So when you get up and you say these
18 things, you are going to be challenged, and we would like
19 you to be clear, to understand. You are entitled to say
20 whatever you wish; that's why we have a public comment
21 period, to allow you the opportunity. However, we are not
22 going to allow you to stand up here and not challenge you
23 when you say that our horses go to slaughter because they do
24 not.

25 MS. LUNDBERG: They do.

1 VICE CHAIR AUERBACH: They do not.
2 MS. LUNDBERG: They do.
3 VICE CHAIR AUERBACH: Okay.
4 MS. LUNDBERG: If you love horses, don't ride
5 them, don't race them --
6 VICE CHAIR AUERBACH: Let me tell you --
7 MS. LUNDBERG: -- don't kill them, don't abuse
8 them, don't whip them --
9 VICE CHAIR AUERBACH: Don't ride them?
10 MS. LUNDBERG: -- don't hurt them.
11 VICE CHAIR AUERBACH: Okay. Thank you.
12 CHAIR WINNER: We'll just leave them out in the
13 wild.
14 VICE CHAIR AUERBACH: We'll just leave them out in
15 the wild so they can get killed by poachers.
16 MS. LUNDBERG: (Off mike.) Actually, that's
17 another --
18 CHAIR WINNER: Okay. That's enough. You've had
19 your three --
20 VICE CHAIR AUERBACH: Thank you.
21 MS. LUNDBERG: -- that's another issue.
22 CHAIR WINNER: -- you've had your three minutes.
23 MS. LUNDBERG: The ones that are in the wild are
24 actually being rounded up --
25 CHAIR WINNER: Ma'am --

1 MS. LUNDBERG: -- so that they can make room for
2 animals that are going to be eaten.

3 VICE CHAIR AUERBACH: Oh, my goodness. Okay.

4 CHAIR WINNER: Okay. Thank you. Thank you for
5 your comments.

6 April Montgomery, did I say that right, I hope?

7 MS. MONTGOMERY: Good morning.

8 CHAIR WINNER: Good morning.

9 MS. MONTGOMERY: My name is April Montgomery. I'm
10 a private citizen, an animal rights activist, and I'm also
11 an attorney. I'm going to cut straight to the chase.

12 I am one of many here today who represent the
13 voices of thousands of people in California and the United
14 States that want horse racing to end permanently. In the
15 wake of 23 dead horses, and my horses are telling me there's
16 other sources that it could be up to 28, in the wake of 23
17 dead horses at Santa Anita's racetrack since Christmas, I am
18 not here to negotiate, compromise, ask for reform or
19 anything, for that matter, because I don't have that kind of
20 power. I'm a private citizen. But I'd be lying if I told
21 you today that I'm here to just voice my concerns. Those
22 days are long gone.

23 It is indefensible that any animal must sacrifice
24 their blood, bones, limbs and life to put money in your
25 pocket and your egos. You don't have to be an animal rights

1 activist to know that horse racing is dead wrong. This
2 track averages 50 dead horses over 10 years. Through FOIA
3 requests, Horseracing Wrongs, it's all over the internet,
4 and you still say you love your horses, but let's move on.

5 Snapped legs, ruptured ligaments, cardiac
6 collapse, pulmonary hemorrhage, bleeding from the nostrils,
7 lip tattoos, nose chains, metal mouth bits, leather whips,
8 confinement, isolation, bleed out, vanned off, euthanized
9 and, yes, butchered and slaughtered. And, of course,
10 there's drugs, drugs, and more drugs, even methamphetamine
11 and amphetamines.

12 Mr. Solis, you know about that, two-and-a-half
13 years ago when you were involved in an altercation with your
14 own trainer here at this track and he committed a
15 misdemeanor battery against you because there was tension in
16 the room. And he was suspended for 30 days because
17 methamphetamine was in one of his horses.

18 I was once a short-lived patron at this death
19 track. But in June 2015, when a four-year-old filly named
20 Hugh Knew snapped her sesamoid bones during a race, broke
21 down, euthanized that day. People told me, she just took a
22 bad step. It was Hugh Knew's death and my guilt and shame
23 that opened my eyes to what really goes on behind the scenes
24 before the race, during the race, after the race. I've
25 never been to another race since that day, never bet, never

1 attended one.

2 But none of this really matters, does it? Because
3 the owners, trainers, jockeys, vets, you, and the people of
4 this industry know what really goes on here, what the death
5 statistics are, and what business they're in and who and
6 what is really lining your pockets. What matters now and
7 why I'm here today is to stop you from killing 28, 23, 25,
8 5, 4, 3, it doesn't matter, horses since Christmas at this
9 track.

10 What's happening at Santa Anita is no anomaly. In
11 fact, it's business as usual. Doping and death have always
12 been a part of this blood activity. It's not a sport, this
13 is a win-at-all-costs game. These innocent souls are
14 sacrificed to casino profits, allowance races, graded and
15 graded stakes' race. And they fail they're relegated to
16 claiming races and the slaughterhouse. It's estimated that
17 20 percent of slaughtered horses in North America are
18 thoroughbreds, some picked up by the meat men at tracks and
19 sold by unscrupulous trainers and owners after a bad race
20 without the hope of finding a home -- and I'm almost done --
21 disposed of as garbage, just throwaway items.

22 The doping continues. The trainers and
23 veterinarians are one step ahead of you of the next newest
24 drug testing. The records available about trainer
25 infractions are incomplete or serious penalties are hidden

1 from the public. Stats only reports death if a horse dies
2 during a race. And horses, despite what their industry
3 claims, continue to die in record numbers, all hidden from
4 this public's view. All of this is a coverup, blatant lies
5 to attempt to convince everyone that the industry is above
6 board.

7 And I'll end with this: Horse racing is cruel,
8 it's predatory business, and you bet they do die, you bet,
9 we're going to end horse racing.

10 And my plea to you today, if anything, is to put
11 it on the ballot. Let the people of California vote on this
12 and see if they want horse racing in this state of
13 California.

14 Thank you.

15 CHAIR WINNER: Thank you. Ms. Montgomery, when
16 you decided to come here today, did you do that on your own
17 or are you a member of an organization or somehow --

18 MS. MONTGOMERY: I'll be honest. I'll be honest
19 with you, sir --

20 CHAIR WINNER: Please do be honest.

21 MS. MONTGOMERY: -- I will absolutely be honest
22 with you, I have affiliated myself with Horseracing Wrongs.

23 CHAIR WINNER: Okay.

24 MS. MONTGOMERY: But part of that, I was a patron
25 at this track.

1 CHAIR WINNER: Yeah, I understand.

2 MS. MONTGOMERY: Yeah.

3 CHAIR WINNER: I just wanted to know --

4 MS. MONTGOMERY: I was a private citizen.

5 CHAIR WINNER: -- because everybody says they're

6 here as an individual but --

7 MS. MONTGOMERY: Sure. Because I'm not -- I'm --

8 CHAIR WINNER: -- somebody brought you here.

9 Somebody encouraged you to come here.

10 MS. MONTGOMERY: Well, nobody brought me here.

11 CHAIR WINNER: Somebody encouraged these people to

12 come here.

13 MS. MONTGOMERY: Well, no. No, sir. I'm here on

14 my own volition. There isn't --

15 CHAIR WINNER: Okay.

16 MS. MONTGOMERY: -- I'm not paid. I'm not even a

17 part of Horseracing Wrongs. I use their literature and

18 their statistics --

19 CHAIR WINNER: Okay.

20 MS. MONTGOMERY: -- but absolutely not. I stand

21 on my own two feet.

22 CHAIR WINNER: Thank you.

23 MS. MONTGOMERY: I've seen it all.

24 CHAIR WINNER: Thank you.

25 MS. MONTGOMERY: Thank you, sir.

1 CHAIR WINNER: Just to clarify a couple of things.
2 One is I don't know too many horse owners who make
3 money. I think most of us lose money. As a matter of fact,
4 I don't know anyone in horse racing that owns horses that
5 make money.

6 MS. MONTGOMERY: You don't? This is not a \$40
7 billion industry, sir?

8 CHAIR WINNER: We do not make money. It costs us
9 money --

10 MS. MONTGOMERY: You do.

11 CHAIR WINNER: -- to own horses. Those of us on
12 the Board who attend all these meetings, we get \$100. We
13 spend hours and hours and hours a week --

14 MS. MONTGOMERY: Well, then --

15 CHAIR WINNER: -- working at it.

16 MS. MONTGOMERY: -- that's really pathetic then.

17 CHAIR WINNER: If that's --

18 MS. MONTGOMERY: That's pathetic --

19 CHAIR WINNER: Yeah.

20 MS. MONTGOMERY: -- even worse, that you don't
21 make any money --

22 CHAIR WINNER: No.

23 MS. MONTGOMERY: -- and you're killing these
24 horses. I mean, don't know what to say.

25 CHAIR WINNER: Well, we are not killing these

1 horses.

2 MS. MONTGOMERY: Okay.

3 CHAIR WINNER: We're saving these horses.

4 MS. MONTGOMERY: Well, they're dying here, sir.

5 CHAIR WINNER: Yes.

6 MS. MONTGOMERY: They're dying here. That's why
7 we're here.

8 CHAIR WINNER: Thank you.

9 VICE CHAIR AUERBACH: So are children. Why don't
10 you get on a crusade about all the children going back and
11 forth to school who don't come every day.

12 MS. MONTGOMERY: Ma'am, that's a rabbit trail and
13 I won't go down that -- I won't go down that path.

14 VICE CHAIR AUERBACH: Well, this is a rabbit
15 trail, too, and --

16 MS. MONTGOMERY: No, it's not. We're here because
17 there's -- are there dead horses here, ma'am?

18 VICE CHAIR AUERBACH: But you're here but
19 you're --

20 MS. MONTGOMERY: Are there dead horses dying on
21 this track, yes or no?

22 VICE CHAIR AUERBACH: Are there children dying
23 around the city --

24 MS. MONTGOMERY: Ma'am --

25 VICE CHAIR AUERBACH: -- around the city every

1 day?

2 MS. MONTGOMERY: -- we're at the Santa Anita
3 Racetrack.

4 CHAIR WINNER: Okay. Enough. Okay.

5 MS. MONTGOMERY: It's not Santa Anita children's
6 track.

7 CHAIR WINNER: Thank you. Thank you. We
8 appreciate your comments.

9 MS. MONTGOMERY: Thank you, sir.

10 CHAIR WINNER: Thank you very much and thank you
11 for coming here.

12 VICE CHAIR AUERBACH: We just wish they were
13 factual.

14 CHAIR WINNER: Edward Barrera? Edward Barrera?
15 Good morning.

16 MR. BARRERA: Wow. Good morning, Mr. Chairman,
17 Commissioners. My name is Edward Barrera. I am here on
18 behalf of Senator Susan Rubio, who, unfortunately, could not
19 be here today.

20 As you may know, the California Senate is now
21 considering legislation to deal with the horse -- to begin
22 with the horse and jockey safety. That's why Senator Rubio
23 joined as principal co-author of Senate Bill 469, introduced
24 by Senate Dodd -- By Senator Dodd, because she believes that
25 their safety is a top priority.

1 But she also asks that we be deliberative in our
2 process as we look for solutions to these tragedies.

3 We need to first take into account that we still
4 don't know what's causing the deaths.

5 We also need to look at the bigger picture as this
6 may not be specific to Santa Anita. A narrow focus on a
7 track may not fix the problems of horses dying and, worse,
8 it may distract our attention away from continuing our work
9 to identifying the real culprit.

10 The Senator wants to review all evidence,
11 including what will be presented at a Senate Informational
12 Hearing that has been scheduled, before she draws any
13 conclusions.

14 As we move forward with this legislation, Senator
15 Rubio asks this Board and her colleagues to join her in
16 having a full and open dialogue with stakeholders to ensure
17 that we don't cause unintended consequences, and that
18 includes such as unnecessarily impacting the livelihoods of
19 thousands of workers and their families throughout the San
20 Gabriel Valley.

21 Thank you.

22 CHAIR WINNER: Thank you. Thank you very much,
23 Mr. Barrera. And, also, thank you Senator Rubio for co-
24 sponsoring the legislation. I think Senator Dodd and
25 Assemblyman Gray have legislation that does exactly what you

1 just said which I think, in the long run, certainly will
2 benefit racing and give a little more authority to this
3 Board to take some actions in case of extreme situations.

4 So we thank you for that and we thank you for the
5 hearing that you're holding because we think it's in the
6 best interest of people, as well as the horses.

7 MR. BARRERA: I'll give that information to the
8 Senator.

9 CHAIR WINNER: Thank you very, very much.
10 Howard Steniger. Thank you.

11 MR. STENIGER: Can you hear me okay?

12 CHAIR WINNER: Yes.

13 MR. STENIGER: Good. My name is Howard Steniger.
14 I'm a pari-mutuel. I work at Santa Anita. I've been in the
15 racing industry for more than 30 years. I'm also a
16 Scientologist, an applied religious philosophy.

17 There's a tenant that might be helpful and useful
18 to understanding our situation here today. What life is
19 trying to do is survive. This is dynamic principle of
20 existence. It's only motivated by survival. It breaks down
21 into eight sections or segments; we call them dynamics.

22 First, the individual is trying to survive. This
23 is the identity, the person himself. Life is trying to
24 survive as a family. This includes the sexual act and the
25 care and rearing of children. The third dynamic is survival

1 of a group, both temporary and permanent. The fourth
2 dynamic is survival of humanity, all members of the human
3 species. The fifth dynamic, all life forms, all plants, all
4 animals, this would include horses. Also, life is trying to
5 survive as the sixth dynamic, the physical universe. Life
6 is trying to survive as a spirit, a soul, a spiritual being.

7 This is the life-source energy that animates all things.
8 And then there's the eighth dynamic, come call it God,
9 infinity, supreme being.

10 Visualize a stone being thrown into a pond and you
11 have these ripples flowing out; those are the dynamics.

12 Horses and man are not enemies. We have a
13 symbiotic relationship. We thrive and live well together.
14 In the olden days, horses were the primary, probably almost
15 the only source of land locomotion. Today, we have
16 automobiles and trucks. If horses were turned back into the
17 wild, they would die; they don't have the survival
18 instincts.

19 I was handed a note that there are 20,000 horses
20 born every year in this country. And without horse racing,
21 horses would be obsolete. Horse racing is actually helping
22 horses survive as a species. It's not a dichotomy. We are
23 not against each other. We all survive and live well
24 together

25 So horses and man are friends. We love horses. I

1 haven't met a single person that wishes them ill. So that's
2 all I have to say. Any questions?

3 CHAIR WINNER: Thank you very much.

4 Any questions? Comments?

5 Thank you very much, sir.

6 MR. STENIGER: Thank you for your time.

7 CHAIR WINNER: Debbie Barklay? Debbie Barklay?

8 MS. BARKLAY: Good morning. My name is Debbie
9 Barklay. I'm fairly new to the -- I've been in horse -- or
10 the racing -- or the horse industry for many years, new to
11 the racing aspect of it, breeding horses here recently. I
12 brought some nice stallions and nice mares in from Kentucky.
13 And accidents happen all the time.

14 We have the situation where the young lady here
15 from Auburn unfortunately was involved with a gymnastics
16 routine here and she broke both legs when she was involved
17 with that particular sport here just last week, very tragic.

18 She moved on. She's going to become an aerospace engineer
19 at Boeing.

20 My friend, who was also in gymnastics when I was
21 in college, unfortunately had an accident and broke his
22 back. He moved on and became a physical therapist.

23 Injuries and accidents are going to happen in any
24 event. So we need to realize that that's a part of this
25 sport that we dearly love. And these horses that were bred

1 to be the most spectacular runners that the world has ever
2 seen, we need to appreciate them, love them, continue to
3 support the breeders that are breeding them, take care of
4 them as best we can, as well as the jockeys and all of the
5 people that are supporting this industry from afar or,
6 actually, on a day-to-day basis.

7 So while I appreciate the passion of many of the
8 people that are up here that are calling for the end of
9 horse racing, if we're going to be calling for the end of
10 horse racing then we need to look at calling for the end of
11 gymnastics, football, basketball, baseball, all of those.

12 So let's take a good hard look at it. We love
13 this sport. Many people love this sport. And so we need to
14 recognize that and realize what we're doing, we're impacting
15 the lives of many people, thousands and thousands and
16 thousands of people who have dedicated their lives, their
17 hearts, blood, sweat and tears to developing the most
18 beautiful and the most magnificent horses this county has
19 ever seen, so let's not lose sight of that fact.

20 Your passion is well spent in other areas, as
21 Madeline indicated. There are children that are suffering
22 that would dearly love to see your passion used in that
23 regard to support them.

24 Thank you.

25 CHAIR WINNER: Thank you. Thank you very much.

1 Any questions?

2 Thank you.

3 Damascus Castellanos, Teamsters Union.

4 MR. CASTELLANOS: Good morning, Chairman,
5 Commissioners.

6 CHAIR WINNER: Good morning.

7 MR. CASTELLANOS: My name is Damascus Castellanos.
8 I'm a representative for Teamsters Local 495. We represent
9 more than 300 members here at the racing -- racetracks from
10 Northern California all the way down to Southern California.
11 We understand the tragic events that have happened but we
12 are in full support of the movement that Santa Anita has
13 made, along with the other associations.

14 We encourage -- I know this is singing to the
15 choir -- but we encourage everybody on the Commission to
16 take a look at it and hopefully realize that we need to keep
17 the racing here. We also need to continue racing. We
18 understand the tragic events that have happened again, and
19 we know that movement has been made to correct that, and we
20 are in full support of that. But we are here again to look
21 at, just in this industry in California, 70,000-plus people
22 that can possibly lose their work all over from Northern
23 California to Southern California. It just needs -- we need
24 to keep that in mind. For the politicians or their
25 representatives that are not here, they need to keep in mind

1 that we are thoroughbred racing, we are Teamsters, and we do
2 vote.

3 Thank you very much.

4 CHAIR WINNER: Thank you.

5 Any questions or comments?

6 Thank you.

7 MR. CASTELLANOS: Thank you.

8 CHAIR WINNER: Elvia Sedano. Elvia Sedano.

9 MS. SEDANO: Good morning everyone.

10 CHAIR WINNER: Good morning. Thank you.

11 MS. SEDANO: My name is Elvia Sedano. And I'm
12 here independently. I'm an animal rights activist. And I
13 don't need anybody to pay me to do anything for the animals,
14 or even for human beings. My parents, -- I learned from my
15 parents to help others. And when I see that something's
16 wrong, I feel that I need to be a voice for those that can't
17 speak up for themselves, so I'm very passionate about
18 helping anybody in need, whether it be a human being or a
19 child, and that's why I'm here.

20 And going on Horseracingwrongs.com, I can see that
21 these horses have been suffering fractures, ruptured, brain
22 hemorrhages, subcutaneous abscess, fractures of the scapula
23 through the neck, leg dangling, severe tearing, hemorrhage
24 of the muscles of the legs surrounding the area of the
25 fracture and, worst of all, death. And that really -- I've

1 suffered a lot of personal losses in my life so I'm very
2 familiar with death. And seeing these animals being raised
3 here and being exposed to being killed if they break a leg
4 because they can't sustain themselves any more physically so
5 they have to be euthanized, and that really has an effect on
6 me to see this.

7 And this is not a safe sport. We know that as
8 long as this continues, these animals are going to continue
9 to be killed here. So I'm calling for a ballot measure for
10 the horse racing for the people to vote. And I'm calling
11 for this sport, deadly sport, to be shut down.

12 And the lady, the horse breeder, mentioned that
13 basketball, football, gymnastics, all of that has injuries,
14 and we know that. But the difference here is that these
15 animals don't have a voice. They can't speak up for
16 themselves and say, I don't want to be in this race because
17 what if I break a leg and die? That's the difference.

18 (Applause.)

19 MS. SEDANO: Human beings have a voice and they
20 can speak up for themselves. That's why I'm so passionate
21 about this because they don't have a voice. And I want this
22 to end.

23 And this is all about greed. And one of the
24 members on the panel or somebody had said -- oh, yeah, one
25 of the members on the panel said not all of the people that

1 own the horses win money. Yeah, we know that, because there
2 can only be one winner. But there has to be a race for
3 somebody to win a lot of money. So this is all about money.

4 And I see that we have a shortage of homes. We
5 can use this to build homes or we can use it to build more
6 businesses and give people jobs here at this location, give
7 them honorable jobs.

8 CHAIR WINNER: Okay.

9 MS. SEDANO: Thank you.

10 CHAIR WINNER: Thank you very much. And let me
11 just, first of all, thank you for your passion and concern
12 for all, and you talked about human concern, as well as
13 animal concern, and thank you for that.

14 I think you were referring to my comment. And my
15 comment had to do with the -- it has nothing to do with
16 betting. I don't think most -- frankly, I don't think too
17 many of us that own horses bet on horses. But what we were
18 talking about is the cost of ownership versus the return of
19 equity on that.

20 MS. SEDANO: Oh.

21 CHAIR WINNER: There's no -- I don't know of any
22 business where you lose money as much as those of us who own
23 horses lose by being involved in this sport and owning
24 horses. It costs much more to own them than we get back.

25 MS. SEDANO: Oh. Okay.

1 CHAIR WINNER: That's what we were -- not the
2 gambling side of it but rather the --

3 MS. SEDANO: Ownership.

4 CHAIR WINNER: -- ownership side of it. Correct.
5 But again, thank you very much for your concern.
6 Any other questions or comments?

7 Thank you.

8 MS. SEDANO: Okay. Thank you.

9 CHAIR WINNER: I just want to make sure that --
10 did I call Celia Asebedo? Please.

11 MS. ASEBEDO: Good morning.

12 CHAIR WINNER: Good morning.

13 MS. ASEBEDO: My name is Celia Asebedo. I'm a
14 concerned citizen and a lover animal rights activist. And I
15 love people, too, and do a lot of things for lots of people,
16 and children especially.

17 What concerns me as a citizen of California and
18 the United States is when we speak about horse racing, and
19 in the same conversation what is consistently coming up is
20 deaths of 23 horses, use of whips and use of drugs, that is
21 very disconcerting to me as a person who cares.

22 And when we talk about these things when we're
23 talking about horse racing, it makes it obvious to me that
24 something is very wrong with it all. This is not right for
25 horses, who are involuntary participants in this sport.

1 It's not the same as if I want to play volleyball and I go,
2 you know, sign myself up and play, given, at this age, it
3 would a little hard. But they are involuntary participants,
4 that's the key words.

5 I ask that the Santa Anita raceway -- racetrack be
6 shut down, as well as all of them in the entire world, that
7 would be my wish. We should proceed to have California
8 voters decide if they want horse racing to be banned in our
9 state.

10 And I thank you for your time.

11 CHAIR WINNER: Thank you very much. You know, of
12 course, you know that we passed, at our last meeting, a crop
13 rule. So when you say the use of whips, we're trying to
14 deal with that issue. We passed and we have continued to
15 pass strict medication rules. So you raised the issue of
16 drugs and the crop or the whip. We've gone far beyond what
17 used to happen with respect to both of those things in terms
18 of limiting the use of both medication, as well as the
19 riding crop, just to clarify that.

20 Kiersten Cluster.

21 MS. CLUSTER: Good morning.

22 CHAIR WINNER: Good morning.

23 MS. CLUSTER: My name is Kiersten Cluster. I'm
24 the Co-Founder of Elephant Guardians of Los Angeles. Our
25 focus is elephants but we also work on behalf of all species

1 who are being exploited for human purposes.

2 And also, I just wanted to add, since children,
3 human children, seem to be an issue this morning, I am a
4 special education teacher for LAUSD and I have devoted my
5 life to children with disabilities, to serving these
6 children and helping them and their families.

7 Today, I am here for the horses who are being
8 abused and killed on this racetrack. I have to main issues
9 I would like to address. The first is safety, which is a
10 common theme with all of the speakers this morning.

11 The mission statement on your website states that
12 it is the job of the California Horse Racing Board to
13 foster, quote, "safe racing through the development of track
14 safety standards and regulations for the health and welfare
15 of all participants," unquote.

16 I think we all agree that the horses are
17 participants in this endeavor, although not by choice.

18 You also made a statement on your website on March
19 5th of this year that, quote, "Safety is a primary concern
20 of the California Horse Racing Board," unquote.

21 In fact, it is required under California law that
22 we improve safety for racehorses. However, a veterinarian
23 report dated for the week of April 1st through April 7th
24 stated that yet another horse was killed on or around April
25 5th, 6th or 7th here at Santa Anita. According to

1 Horseracing Wrongs, based on documentation obtained through
2 public record requests, that brings the death toll at Santa
3 Anita up to 28 horses since the end of just this past
4 December. I understand, there is some discrepancy in those
5 numbers between the numbers that are being reported by the
6 press and the numbers that they have up on Horseracing
7 Wrongs, and I think that is something that needs to be
8 investigated.

9 My question is: How many more horses will have to
10 die under your watch until you realize that Santa Anita is
11 not safe for horses?

12 The second issue I would like to address is
13 sportsmanship. Since proponents of horse racing insist on
14 calling this practice a sport the rules of good
15 sportsmanship should apply. The Cambridge Dictionary
16 defines sportsmanship as, quote, "Behavior in sport that is
17 fair and shows respect to all the players," unquote.

18 Again, I think we can all agree that the horses
19 are players in this game. However, unlike human athletes,
20 the horses have no choice. How is that fair and how is that
21 respectful?

22 Moreover, racehorses suffer from abusive training
23 before their bodies are fully mature, from extreme
24 confinement, from drugging and doping, from constantly
25 changing hands and having not autonomy in their existence,

1 from injury and, finally, from premature death. In short,
2 the horses are treated as property used for profit. This is
3 not sportsmanship. This is abuse and exploitation.

4 You have the opportunity to end this suffering.
5 Please act in accordance with California law, your own
6 mission statement, compassion, and the rules of good
7 sportsmanship and make Santa Anita safe for horses in the
8 only way possible, please shut it down.

9 Thank you.

10 CHAIR WINNER: Thank you.

11 Are there are any other questions? Any questions?

12 VICE CHAIR AUERBACH: Can I just comment, just

13 so --

14 CHAIR WINNER: Yeah. I just wanted to clarify one
15 thing, if I may --

16 VICE CHAIR AUERBACH: Sure. Please.

17 CHAIR WINNER: -- and that is that the difference
18 between, just so you understand, the difference between the
19 23, which were accidental, and the 28, the other five died
20 of natural causes, just like they would if they were out in
21 the wild. So there are --

22 MS. CLUSTER: Well, how did the one just die at
23 the beginning of April?

24 CHAIR WINNER: That's included in the 23.

25 MS. CLUSTER: Okay. Well, then how did the other

1 five day?

2 EXECUTIVE DIRECTOR BAEDEKER: 23 are racing and
3 training.

4 MS. CLUSTER: Uh-huh.

5 EXECUTIVE DIRECTOR BAEDEKER: The other five were
6 natural causes, like colic and so forth.

7 MS. CLUSTER: And that's a natural thing that
8 would have happened if this horse was just living --

9 CHAIR WINNER: Absolutely. More would happen,
10 frankly --

11 VICE CHAIR AUERBACH: Um-hmm.

12 CHAIR WINNER: -- in the wild. There would be far
13 more that would die of those kinds of --

14 MS. CLUSTER: I'm not -- horses don't belong in
15 the wild. I don't think anybody is saying --

16 CHAIR WINNER: Okay.

17 MS. CLUSTER: -- that horses belong in the wild.

18 CHAIR WINNER: Where do they belong? Where do
19 they belong?

20 MS. CLUSTER: In a sanctuary.

21 CHAIR WINNER: In a what?

22 MS. CLUSTER: A sanctuary, a horse sanctuary.

23 CHAIR WINNER: All horses should be? All horses
24 should be not in the wild, not doing anything else, they
25 should all be at some sanctuary someplace.

1 VICE CHAIR AUERBACH: That somebody funds.
2 CHAIR WINNER: Yeah, that has to be funded, of
3 course.
4 VICE CHAIR AUERBACH: You know, I was going to
5 say --
6 CHAIR WINNER: Okay.
7 VICE CHAIR AUERBACH: -- and I'm still going to
8 say it, I appreciated the manner in which you addressed us.
9 CHAIR WINNER: I do too.
10 VICE CHAIR AUERBACH: And I want to thank you
11 because not everybody acted --
12 MS. CLUSTER: Thank you.
13 VICE CHAIR AUERBACH: -- as professionally as you
14 do, so thank you.
15 MS. CLUSTER: Well, I appreciate you --
16 VICE CHAIR AUERBACH: I don't agree with anything
17 you've said.
18 MS. CLUSTER: I understand.
19 VICE CHAIR AUERBACH: But I really appreciate --
20 MS. CLUSTER: I understand that and it's --
21 VICE CHAIR AUERBACH: -- the way you did it, okay?
22 MS. CLUSTER: -- it's fine to disagree.
23 VICE CHAIR AUERBACH: Yeah.
24 MS. CLUSTER: I have no problem with that.
25 VICE CHAIR AUERBACH: But thank you.

1 MS. CLUSTER: And I understand we disagree. And I
2 really appreciate your comment.

3 However, I would like to respond to that by saying
4 I have been disappointed in the way that some of my
5 colleagues have been received by this Commission. I feel
6 that some of my colleagues have been treated very
7 disrespectfully by this Commission and that is not at all --
8 I do a lot of speaking at a lot of Commissions all over this
9 state and this is the first time, I have to tell you, that I
10 have seen people coming here to express their opinions under
11 the First Amendment treated with such disrespect.

12 Thank you.

13 (Applause.)

14 CHAIR WINNER: Well, we certainly apologize for
15 that, if that's your view. And it is certainly not our
16 intent.

17 Pavla McGaard.

18 MS. MCGAARD: Thank you for having these meetings.
19 And thank you for listening to all of the different sides.

20 As a lawyer, it reminds me of a joke where someone
21 said, "Please just give me a hand -- one-handed lawyer."

22 "What do you mean, one-handed lawyer."

23 "Well, all the lawyers always say, 'On the one
24 hand this and on the other hand that.'"

25 However, I think that it is in the listening to

1 all sides that we will be able to come to better solutions.

2 I really believe that.

3 I have heard people say here that the horses don't
4 have a voice. I was the breeder of one of the horses, the
5 major horse, Battle of Midway. As that, I feel I can speak
6 for that specific horse. And I certainly feel like I can
7 speak for many of the horses.

8 I had the privilege two weeks ago to go back to
9 Battle of Midway's mom and spending about an hour hanging
10 out with her, trying to explain to her what had happened.
11 And, in fact, it was me who walked away better from the
12 experience because it was her who was healing me rather than
13 me healing her.

14 I spend a lot of time with these horses. I got
15 into the industry by having an off-track thoroughbred who I
16 got when she was four years old, retired off the track. I
17 still have her when she's 26 years old. What I can tell you
18 is that, to those of you who say that horses don't have a
19 choice and that they don't enjoy this, I can tell you that
20 that mare, long after retirement, when she is given the --
21 when she was given the opportunity to gallop, her ears would
22 go up, she would look back and say, really, I can? And she
23 would take off.

24 I can tell you about Battle of Midway, of watching
25 him look out through his window at the racetrack at the

1 races with his ears up and listening to the action.

2 There are a lot of things that, when you are
3 willing to listen to these horses and look at these horses,
4 they will tell you if they are happy, they will tell you if
5 they are sound, they will tell you a lot of things.

6 I am satisfied to know that in this horse's case,
7 things were not seen and he did not say that there was
8 something wrong, and there are just accidents that do
9 happen. That may not be the case in all of the situations
10 that we are facing today but that was the case in his
11 situation, the best that I know it.

12 I know that a similar situation happened with
13 Saint Liam (phonetic) when he was retired to stud, was being
14 led out of a paddock and just happened to jump up and landed
15 wrong. These things happen.

16 These things happen to foals. These things happen
17 as yearlings. These things happen at riding stables. I
18 know that in our riding stable a horse had been given a
19 blanket just the wrong way and he jumped out of a stall and
20 had to be euthanized.

21 For those people who care about horses and care
22 about animals, please spend more time with those -- in those
23 situations where you can actually get to see what happens in
24 the natural setting and compare that to how the horses are
25 being treated.

1 Now, on to some of the issues that are being
2 discussed and need to be discussed, I don't believe that
3 there is a question of black and white, no medication or
4 zero -- or all medication, no whips or all whips. It is not
5 black and white. There is a huge difference between talking
6 about things that are needed and helpful and things that are
7 unnecessary but are used just because they're easy and just
8 because someone perhaps doesn't understand the full extent.
9 I believe that those discussions are really important. I
10 believe that all the stakeholders need to be involved in
11 talking about these. And I think that all the stakeholders
12 need to feel comfortable in bringing the issues up.

13 I hear of suggestion boxes that, perhaps, could
14 make their ways back onto racetracks, and so on and so
15 forth. I believe that the trainer have lots of good
16 perspectives to say, just the same way as the people who are
17 animal lovers but perhaps have never gone to the backside of
18 the racetrack. They have valid concerns and it our job, as
19 the industry, to come together and give them ways to feel
20 better about what we are doing. Because I know that the
21 people who do it day in and day out, from the backstretch
22 workers to the trainers, to the owners, as well as to you
23 sitting on the Commission, we are doing the best that we can
24 as we know how and we will continue to do so.

25 Thank you.

1 CHAIR WINNER: Thank you very much.

2 (Applause.)

3 CHAIR WINNER: Any comments? Questions?

4 Thank you. And, obviously, we're very sorry about
5 the loss of Battle of Midway, everybody is, or any of these
6 horses, for that matter.

7 Zafir Molina?

8 MS. MOLINA: Hi everyone. My name is Zafir
9 Molina. I'm here on behalf of myself.

10 I became aware of this -- I don't know if I've
11 ever been here. I remember, I went to one race, horse race
12 before, about five years ago, six years ago. But I became
13 aware because of a protest. I am an animal rights activist,
14 I'm a human rights activist, and I'm an earth rights
15 activist.

16 I am here because I recently found of things that
17 go on in horse racing, someone that was not much aware. And
18 I want to start by the following, after listening to
19 everyone speak.

20 I think the problem has become, in our society,
21 that we continue thinking about ourselves. We do this over
22 and over and over again and we continue finding
23 justifications for our actions. But at one point we have to
24 stop. We have to stop and not think about ourselves, not
25 think about what we're benefitting, not that we're enjoying

1 watching animals run and having a human whip them to make
2 them run faster.

3 This is not about us. This is not about me.
4 These are about the individuals that we all sit here, and I
5 genuinely believe that we all love and care about, however,
6 our perspective does not make us correct. Our definition of
7 love does not make us correct. There can be a relationship
8 where one believes that they love the person and still
9 commit, not crimes, but abuse, mentally, physically,
10 emotionally.

11 There is no denying that these horses are
12 experiencing physical pain, emotional pain and spiritual
13 pain. This is not natural for them. Running, for them, is
14 natural. But the way that it's done, the way that we ask
15 them to do so, is not natural. There's many things that I
16 love to do but I will not do them because someone has asked
17 me to do them. I do them because I have a choice.

18 As I am here today, I constantly want to live a
19 life of freedom, of not being limited to my potential. And
20 I think this is exactly what we do to these horses, we limit
21 their potential. It is unfair to say that if they're in the
22 wild, that we're doing them a favor by forcing them to race.
23 That is not a favor.

24 If we want to help these horses because we truly
25 believe that they are going to die in the wild, we create a

1 home for them. We find a solution that does not benefit our
2 pockets and our egos. And I've had ego before and we have
3 to admit that there's ego involved. And if we never do
4 that, we will never have true change, we will continue
5 having votes and meetings on things that we should just
6 follow through our hearts.

7 This is enough. And I am here for the horses. We
8 can sit here and talk about all the horrible things that are
9 happening in the world. But until we look at ourselves,
10 until we look at what we do and our actions, we will
11 continue doing this over and over and over again. Racing
12 kills horses and that's not going to stop because of the
13 way, of the when they -- we need horses now to race, when
14 they're children. We don't need them when they're older,
15 when they've lived their life, when they decided when they
16 wanted to run. We tell them, no, we are breeding you here
17 and you are going to be a racer. We did not give them a
18 choice.

19 And I ask you to please look inside us and start
20 doing the right thing. This needs to get closed down. We
21 have options. We're smart people. We can't act like we
22 can't create more jobs. We took a man to the moon. We will
23 be okay. We will be okay but right now the horses are not
24 okay. When they're locked up in a small little thing, they
25 are not okay. They are not okay. And they should never,

1 ever, ever have anything put in their bodies, not drug, not
2 nothing. This is not fair. Because if you were the horse,
3 if you were the horse, you would not be okay with it. You
4 would not. You would not recognize.

5 As much as I want to say that I understand each
6 animal, and I have been around plenty of animals, it's
7 unfair to me to say exactly what they feel. So I do my best
8 as how we communicate with them, not with voice but with
9 behavior, that I make sure that I'm being fair. And I don't
10 think right now that we are being fair.

11 We ask to please, please consider closing this
12 track down. I know it's difficult to hear. I know it. It
13 will be. And our times are changing and a lot of things are
14 being difficult to hear. But that's okay. It does not have
15 to be a bad thing.

16 I thank you so much for this time and I really,
17 really, really hope that we start looking at ourselves for
18 answers.

19 (Applause.)

20 CHAIR WINNER: Thank you. Thank you, Ms. Molina.
21 Thank you for your passion and your comments. Thank you.

22 Any other questions or comments?

23 Cliff Goodrich.

24 MR. GOODRICH: Mr. Chairman, Commissioners, excuse
25 me, my name is Cliff Goodrich. I represent the California

1 Thoroughbred Horsemen's Association which cares medically
2 for backstretch workers, and I will get to that. But for
3 full disclosure, I'm kind of up here in a dual role because
4 my professional life has been spent in this industry. And
5 I'd like to touch on that for a minute before I get into the
6 real reason I am up here.

7 First of all, and I don't mean any disrespect,
8 Amanda, sorry to call you by your first name but I don't
9 know your last name, you made a statement that in your mind
10 is a truism, that no one can love horses and love horse
11 racing. I'm sorry, you're wrong. I, for one, do, and that
12 is possible.

13 I started out in this industry at Santa Anita in
14 1966 as an admissions seller. I became part of the senior
15 executive management team in 1980. I was president of Santa
16 Anita for ten years near the end of the decade. So for full
17 disclosure, I'm biased, you're darn right I am. I love
18 Santa Anita, I love horses, and I love this industry.

19 But I guess I'm most disturbed when I, for an
20 industry that has historically moved at a glacial pace, it
21 is attempting and the catalyst has certainly been these
22 passionate people who have gotten up here and spoken today,
23 and the catalyst has unfortunately been a spike in injuries.
24 But nevertheless, this Board, The Stronach Group, and all
25 the tracks that Mr. Baedeker mentioned are making progress.

1 Not a lot has been touched on by the animal lovers as to
2 what's happened since March 29th when this track was opened
3 again. Considerable progress has been made on the track.
4 Considerable progress has been made by this Board,
5 stakeholders, The Stronach Group.

6 And in all fairness, the American way is to have
7 an open debate to get to the right solutions. There has to
8 be some recognition that, hey guys, a lot more needs to be
9 done but we at least salute you for the steps that the
10 industry is taking. And if nobody says that today from the
11 animal rights groups, they're not being fair. They've got
12 blinkers on.

13 I have no doubt in my mind that this process will
14 turn out to be in the best interest of racing long term.
15 But you can't throw the baby out with the bath water. I'm
16 sorry, these horses are bred to run. Anybody who says they
17 don't want to run hasn't been around a thoroughbred. That's
18 what they're bred for. Yes, we need to reduce or even
19 eliminate, if at all possible, injuries. But we need to do
20 it in an open forum that's a fair process. We just can't
21 have blinkers on.

22 Their solution for change is shut down the
23 industry. It's not work with us to make things better, it's
24 to shut the industry down. I'm sorry, that's too drastic a
25 step and is ridiculous on its merit.

1 Now lastly, I'd like to touch on the people I
2 represent because they are the backstretch workers who care
3 for these horses. We care for their dentistry and their
4 medical needs. And unfortunately or fortunately, we don't
5 get to see them often enough. And you know why? Because
6 they care about the horses more than they care about
7 themselves. And so they come in too late and often we can't
8 treat them. They love these horses far more than they love
9 their own being and it's one of the reasons why we are there
10 to help them.

11 Because of Santa Anita having to shut down, we're
12 going to have about \$100,000 less in money to care for those
13 people. We'll give that up in a second if things get
14 better. I am extremely confident things will get better. I
15 wish the animal rights lovers would work with us instead of
16 against us. But there's not a doubt in my mind that this
17 industry will be better off short term and long term because
18 of The Stronach Group, this Racing Board, the animal
19 activists, and all the people associated with the industry.

20 So I thank you.

21 CHAIR WINNER: Thank you very much, Cliff.

22 (Applause.)

23 CHAIR WINNER: Any comments for Cliff, or any
24 questions?

25 Thank you.

1 And the last card I have, so if anybody wants to
2 speak who hasn't spoken, I think everybody in the room has,
3 but if anybody wants to speak who hasn't spoken, please see
4 Mike Marten and fill out a card.

5 The last card is Luis Giordano.

6 DR. JOHNSON: (Off mike.) I put in a card
7 (indiscernible).

8 CHAIR WINNER: Okay. Well, I don't have them
9 somehow, so I apologize for that, but I certainly -- well,
10 is Luis Giordano here?

11 MR. GIORDANO: Right here.

12 CHAIR WINNER: Okay. Well, let Mr. Giordano
13 speak, please, because we do have a card on him.

14 Mike, somewhere I --

15 DR. JOHNSON: I'll gave Mike my card.

16 CHAIR WINNER: Okay. Thank you. You'll be able
17 to speak, I promise you.

18 Anyone who wants to speak will be able to speak.

19 Luis Giordano.

20 MR. GIORDANO: Good morning. My name is Luis
21 Giordano and I'm basically representing myself and my
22 ownerships group, I guess I would say.

23 I've been coming to the racetrack here since I was
24 12 years old. And I've been involved in owning horses for
25 over 30 years. I do it through the, not through the

1 breeding, but I do it through the claiming game. And, you
2 know, I do it because I love it.

3 And from the first horse that I bought when I was
4 like 30 years old, which was quite a while ago, I see how
5 these horses are taken care of. And people that doubt it,
6 they haven't been back there and they haven't seen it.
7 These horses are taken care of better than we take care of
8 ourselves. These horses are bathed daily. They're treated
9 daily. They're washed daily. And, I mean, if these people
10 here ever went back there and saw it, they would -- they
11 wouldn't be here today saying what they're saying.

12 And as a matter of fact, you know, I think it was
13 Ms. Montgomery was up here a little bit ago and she spoke
14 about Hugh Knew. Well, I owned Hugh Knew and I owned Hugh
15 Knew for a year, and she did break down in a race and we had
16 to euthanize her and that was like losing a part of the
17 family. And if you don't think that we -- you know, it
18 didn't hurt us, you know, it's like, it was terrible.

19 But I know how much love and how much these grooms
20 in the backstretch and these people that work here love
21 these horses. And it just, it's -- I guess if one good
22 thing came out of Hugh Knew going down is people like Ms.
23 Montgomery not coming to the track here anymore.

24 My -- another -- I wasn't planning on speaking
25 today.

1 I've probably brought 20 to 30 people into this
2 racing game. And we love coming out here and we do it, and
3 we do it in groups because of the expense of the game, it's
4 quite expensive. As far as making money, no, we don't make
5 money. I've made money on maybe two or three horses out of
6 40. But, no, we don't do it -- we do it for the love of the
7 game. We come out here. We split the bills. It's not
8 cheap to take care of a horse.

9 And our concern is just recently with some of the
10 decisions that The Stronach Group has made. And, you know,
11 an example is our last horse we purchased on January the
12 1st, there was some issues, and it was a bleeding issue.
13 And so we elected, let's let her -- let's let him stay away
14 from racing for a few months and take care of the horse.
15 And, you know, they cut down the dosage from, I think it's
16 ten to five, and we didn't want to take a chance on having
17 her bleed again. So we went to Kentucky just recently and
18 we ran there.

19 But I don't think any of this would have even come
20 up if it wasn't for organizations like PETA that's out here
21 and, you know, striking on our grounds. I don't even know
22 why Santa Anita even let them on our grounds. I mean, I
23 wouldn't have even -- you know, I don't -- I can't figure
24 that out. But, I mean, we're listening to a group like PETA
25 that has a kill rate in their organization of, I believe,

1 over 80 percent of animals that they take in. And they --
2 you know, and I think they -- if they weren't here, people
3 wouldn't be talking about this today. And to listen to an
4 organization like that, it's kind of crazy.

5 And I believe in the horses. I believe for the
6 safety and the soundness, I love it. I love horse racing.
7 And I feel that we're going the right way. And I just --
8 that's all I really have to say.

9 (Applause.)

10 CHAIR WINNER: Let me just comment. I just want
11 to comment on one thing and that is the issue of PETA and
12 any other animal rights organization. They have an absolute
13 right, in my view, to come here. That's what the Board is
14 here for is to listen to everyone --

15 MR. GIORDANO: Um-hmm.

16 CHAIR WINNER: -- to listen to everyone's point of
17 view and to take into consideration what they're saying.
18 And I agree with Mr. Goodrich, who made the point that,
19 somehow, if we could all get together and work together we
20 might achieve some objectives and goals that we all believe
21 in.

22 But I want to strongly say that this Board, as
23 long as I'm on the Board, and I'll only speak for myself, is
24 open to listening to everyone's point of view on anything
25 that has to do with the animals or anything having to do

1 with horse racing.

2 MR. GIORDANO: Okay.

3 CHAIR WINNER: So I just wanted to clarify that.

4 MR. GIORDANO: Yeah. You know, I was just -- I
5 just returned from Kentucky. I was back there for seven
6 days. And it's just unbelievable. I was at Keeneland and
7 we ran over there and the people over there -- and it was
8 kind of funny because I spent a lot of time in the racing
9 office. And I guess they had heard that PETA was planning
10 on coming out there and they can't wait. They can't wait.

11 CHAIR WINNER: Dr. Johnson? And let me apologize,
12 Dr. Johnson, it's my fault. I mixed your cards in with
13 those who had already spoken, so I apologize.

14 DR. JOHNSON: Well, thank you very much.

15 How many people in here hate horses? Can you
16 raise your hand? We all love horses; right? We have that
17 in common.

18 Right, Mr. Goodrich?

19 Right.

20 Commissioner Auerbach is a stickler for the facts.
21 I'm happy to hear that. Here are the facts. Here are the
22 broken sesamoids on Marino (phonetic), died right out here
23 March 12th. See those? Those are the facts.

24 The gymnast in Auburn was not euthanized on the
25 mat. Clayton Kershaw pulled a groin muscle, was not

1 euthanized on the pitcher's mound. Lebron James hurt his
2 leg, was not euthanized at center court. Accidents happen.

3 You've heard the numbers here but behind those
4 numbers are real names; the Battle of Midway, Princess Lili
5 B, Armed Runner. If you run these horses at high speeds
6 with unformed bones, they are going to break down. And
7 that's why, whether it be Senate Bill 649 or a goodwill
8 offer by Mr. Goodrich, that we can't work with you because
9 working with you promotes the industry and keeps the
10 industry going. The industry keeps going and horses keep
11 dying.

12 Commissioner Auerbach questions whether or not
13 horses go to slaughter. Retired horse races [sic] go to
14 slaughter by the thousands. You remember Ferdinand, don't
15 you, Commissioner Auerbach? Surely you know your horse
16 racing history. Ferdinand was the winner of the 1986
17 Kentucky Derby. It doesn't get much more of an apex in
18 horse racing than that. Ferdinand died in a slaughterhouse
19 in Mexico City. That's what happened to Ferdinand and
20 that's what happened to all kinds of horses.

21 Now, Mr. Winner wants us to believe that in some
22 way we're the others, we're from outside. We were sent here
23 by maybe some kind of subversive group, as if we are not
24 intelligent enough and compassionate enough to come here on
25 our own. The fact --

1 CHAIR WINNER: I --

2 DR. JOHNSON: Let me finish my three minutes.

3 CHAIR WINNER: No. I'm --

4 DR. JOHNSON: I'm not finished with my three
5 minutes.

6 CHAIR WINNER: That's too bad. I'm going to
7 interrupt you and I'm going to tell you that that is not my
8 view and I did not indicate that it was my view --

9 DR. JOHNSON: Okay.

10 CHAIR WINNER: -- that you're subversive or
11 anything like that. As a matter of fact, my view is that
12 you're doing something you care strongly about, you're
13 active in it, and, frankly, I think some of us are as well.
14 So I do not --

15 DR. JOHNSON: Okay.

16 CHAIR WINNER: -- in any way --

17 DR. JOHNSON: Fair enough.

18 CHAIR WINNER: -- consider your activity to be
19 anything but because you really believe in what you're
20 doing.

21 DR. JOHNSON: Okay. I'd like to have the final
22 minute, please, and I'm happy to --

23 CHAIR WINNER: Yeah. You can have your time, of
24 course.

25 DR. JOHNSON: -- happy to answer any questions.

1 I think what you don't understand is what this
2 moment in history is. The vote in Florida against greyhound
3 racing was 2-to-1. SeaWorld is on its way out. Illinois
4 and New York State have banned elephants. Cock fighting is
5 banned in 49 states, Louisiana to be next and final.

6 The people, not us subversives, not people from
7 PETA, the people are upset. And Mr. Baedeker is absolutely
8 right when he says that, ultimately, 86 years after the
9 State of California has approved horse racing, it's going to
10 go to the people because the people are sick and tired of
11 these beautiful magnificent animals dying. And if we
12 continue this industry, they are going to continue to die.

13 I take my last ten seconds in memory of the last
14 horse to die out here, armed runner, and all of the other
15 horses that have died, for a moment of silence for the last
16 five seconds.

17 Thanks, Mr. Winner.

18 CHAIR WINNER: Thank you.

19 All right, now, moving right along, is there
20 anyone else who would like to speak during the public
21 comment period who I have not called on or who has not
22 filled out a card?

23 Did you fill out a card? Okay. Again, I
24 apologize, it somehow got lost in the shuffle here.

25 EXECUTIVE DIRECTOR BAEDEKER: Can you identify

1 yourself?

2 CHAIR WINNER: Yeah, please identify yourself.

3 MR. MCGILL: My name is Ron McGill. I'm a
4 concerned citizen. I'm not here with any particular
5 organization, nor do I know anyone from PETA that's been out
6 at the protest that we've had out on the grounds. I just
7 want to qualify that.

8 Also, I want to clear one other thing, your
9 implication that we are not human rights advocates and
10 activists is unfounded. I am a special educator. I'm
11 licensed and clinically certified in this state to provide
12 special education services for over 50 hours a week usually,
13 on average, sometimes 60, so thank you for that.

14 I'm here on behalf of the over 500 horses who have
15 died here at Santa Anita in just this past decade. I'm also
16 here for the over 5,000 racehorses who have died at all
17 California tracks since 1998, the 2,000 racehorses who were
18 killed at tracks across America this very year. The
19 pulmonary hemorrhages, the blunt force head traumas, the
20 imploded hearts, the snapped necks, the crushed spines,
21 ruptured ligaments, shattered legs, the protruding bones,
22 the blood-soaked dirt, the vans, the carcass pits, the
23 disposal trucks, the pain, the fear, the terror.

24 Then, of course, let us not forget the 15,000 or
25 more thoroughbreds who will be shackled, hung upside down,

1 slashed, bled out, and butchered this year at horse racing
2 singular retirement facility, in fact, the slaughterhouse.

3 Please don't interrupt me.

4 Today, we say with crystal clarity --

5 VICE CHAIR AUERBACH: You keep saying it and I'm
6 just asking you to please check your facts.

7 MR. MCGILL: How did the two-year-old horses, on
8 average, two years old here, that have died, where did they
9 end up? Please tell me what sanctuary they are at now.

10 VICE CHAIR AUERBACH: You're talking about
11 slaughter. You keep bringing slaughter in.

12 MR. MCGILL: Yeah, they're slaughtered after you
13 kill them on this track.

14 VICE CHAIR AUERBACH: Oh. I didn't understand how
15 you got there.

16 MR. MCGILL: Let's talk about the facts.

17 VICE CHAIR AUERBACH: Thank you.

18 MR. MCGILL: Thank you.

19 Today, we say with crystal clarity, no more. No
20 more abusing unformed bodies, which they, in fact, are. No
21 more extreme relentless confinement. No more whipping. No
22 more drugging and doping. No more buying and selling and
23 trading and dumping of these sentient beings that you claim
24 so much to love. No more auctions. No more kill buyers.
25 No more transport trucks. No more arbitrage. No more

1 maiming and destroying. No more pain and suffering. No
2 more. It's done. Let it be over. Make the compassionate
3 choice. Have some sense. Find the love in your heart. End
4 horse racing now.

5 Thank you.

6 (Applause.)

7 CHAIR WINNER: Thank you.

8 We have another card from Heather Wilson. Thank
9 you.

10 MS. WILSON: Good morning everybody and thank you
11 for letting me speak. Since we're going to be so concerned
12 about facts, I'm going to read some FOIA requests. And in
13 case you're not familiar, that stands for Freedom of
14 Information Act. And this is public knowledge that is
15 available to the general public. California also has a
16 Public Records Act which is the equivalent of FOIA at the
17 state level.

18 Through a FOIA request to the California Horse
19 Racing Board, we have confirmed the following deaths at
20 state tracks in 2018. Please note, the Board redacted the
21 names of the dead horses. Any identifications that came via
22 other channels, also, because of the sheer volume, they will
23 be posted in increments of ten. And unfortunately, well,
24 or -- I don't have time to read all these deaths because
25 there's just so many of them. I'll just read the one

1 description here.

2 There's a photo that -- this belong with the
3 photo, "Right forelimb, closed, comminuted complete
4 displaced articular transverse fracture of the distal
5 metacarpal 3 below the transverse fraction line. There were
6 innumerable small fragments of bone. There were two large
7 bone fragments that stayed in place. All articular surfaces
8 of the fetlock," and if you don't know what that is, that is
9 the joint by the ankle, had market scoring of the cartilage
10 and were covered with innumerable small, irregular bone
11 fragments."

12 Then we go to the left forelimb, so this horse
13 that was killed at two broken legs. And 65 percent of the
14 horses weight is on the front legs, which is why it's most
15 common for the front legs to be fractured.

16 And as a side, note, we know they make poor
17 surgical candidates. These thoroughbred horses weigh 1,000
18 to 1,200 pounds.

19 My profession is I do anesthesia. I'm a nurse
20 anesthetist and I've been a nurse for 30 years, doing
21 anesthesia for 15 years. And I actually do a lot of
22 orthopedic trauma, so I'm quite familiar with trauma, in
23 particular broken bones and shattered bones.

24 So moving on, "The left forelimb, in general,
25 findings are similar as described above. There was an open

1 eight centimeter long skin tearing at the medial distal
2 aspect of the MC3 with protrusion of a fragment of bone,"
3 that's called a compound fracture, "comminuted complete
4 displaced articular transverse fracture of the distal MC3.
5 All articular surfaces of the fetlock had marked scoring of
6 the cartilage and were covered with innumerable small
7 irregular bone fragments."

8 So that describes two broken legs.

9 I have printed here some pictures. These are from
10 the necropsy reports of other horses that were killed at
11 this track. And nothing says I love you like I'm going to
12 break your legs. This is horrifying. This is called
13 unjustifiable. And this cannot be defended. These animals
14 deserve better. We know that horse racing breaks legs. We
15 can't pretend. We can't hide under the covers and say, oh,
16 this is so tragic, oh, this has never happened before. No.
17 This has been happening for years and it is high time to end
18 this blood sport, this billion-dollar industry, money that
19 is earned on the backs of un-consenting and unwilling
20 participants.

21 In my profession, we have to get what is called
22 informed consent. We don't operate, we don't do anesthesia
23 until the patient understands the risks, alternatives and
24 benefits. These horses are not afforded that opportunity.
25 They do not know that when they run this race, they could

1 very well fall and break their leg or be carted off in a van
2 and euthanized elsewhere, or if they survive their career
3 then they might go to auction, and we all know, that is very
4 well documented. And you can claim that you have no idea
5 what a horse auction is but they do exist, I assure you.

6 So it is high time to end this blood sport. As a
7 concerned citizen, a taxpaying, voting, law-abiding citizen
8 of the state of California, I want horse racing to end now.

9 :Thank you.

10 (Applause.)

11 CHAIR WINNER: Any other comments for her? Any
12 questions?

13 All right, thank you very much.

14 That's it on this issue, on the public comment
15 period. Appreciate all of your comments.

16 And we will now take ten-minute recess.

17 (Off the record 11:21 a.m.)

18 (On the record at 11:36 a.m.)

19 CHAIR WINNER: Okay, for those of you that are
20 still here, we're going to move on.

21 Item number five, Public hearing and action by the
22 Board regarding the proposed amendment to CHRB Rule 1481,
23 Occupational Licenses and Fees, to require licensure of
24 officers, directors, partners or any individual who holds
25 five percent or more of the outstanding shares of an advance

1 deposit wagering provider, ADW, mini-satellite wagering or
2 exchange wagering provider; CHRB Rules 2071, License to
3 Conduct Advance Deposit Wagering by a California Applicant;
4 and Rule 2072 -- can we have quiet please? We are moving
5 ahead, so we'd appreciate quiet -- and Rule 2072, Approval
6 to Conduct Advance Deposit Wagering by an Out-of-State
7 Applicant, to revise CHRB Forms 132, Application to Conduct
8 Advance Deposit Wagering, and 133, Application for Approval
9 to Conduct Advance Deposit Wagering, to capture CHRB license
10 information for specified persons; clarify the term of
11 license for ADW providers and collect financial information,
12 including profit and loss statements, specific to entities'
13 California operations. This concludes the 45-day public
14 comment period. The Board may adopt the proposal as
15 presented.

16 Rob?

17 MR. BRODNIK: Thank you, Chairman. Robert
18 Brodnik, California Horse Racing Board.

19 Item number five on the agenda, it does allow the
20 Board to adopt the proposed amendments as written. No
21 comments were received during the 45-day comment period.

22 CHAIR WINNER: That was the question I had, no
23 comments at all?

24 Is there anyone here who would like to comment on
25 item number five? I have no cards. Okay.

1 Is there any discussion on this item? All right.

2 Is there a motion?

3 COMMISSIONER MAAS: Move.

4 CHAIR WINNER: Commissioner Maas moves approval.

5 COMMISSIONER SOLIS: Second.

6 CHAIR WINNER: Commissioner Solis seconds.

7 Commissioner Araceli, how do you vote?

8 COMMISSIONER RUANO: Yes.

9 CHAIR WINNER: Commissioner -- Vice Chair Auerbach
10 Auerbach?

11 VICE CHAIR AUERBACH: Yes.

12 CHAIR WINNER: Chairman votes yes.

13 Commissioner Solis?

14 COMMISSIONER SOLIS: Yes.

15 CHAIR WINNER: Commissioner Maas?

16 COMMISSIONER MAAS: Yes.

17 CHAIR WINNER: Commissioner Alfieri?

18 COMMISSIONER ALFIERI: Yes.

19 CHAIR WINNER: The motion carries unanimously.

20 Thank you.

21 Item number six, discussion and action by the
22 Board on the Application to Conduct a Horse Racing Meeting
23 of the Alameda County Fair (F), at Pleasanton, commencing
24 June 13, 2019 through July 7, 2019, inclusive.

25 Larry?

1 Jackie, are there any outstanding items?

2 MS. WAGNER: Jackie Wagner, CHRB Staff.

3 The outstanding items noted in the application
4 have been received.

5 CHAIR WINNER: Thank you. So there are no
6 outstanding items.

7 Good morning.

8 MR. SWARTZLANDER: Good morning. Larry
9 Swartzlander with the California Authority of Racing Forms.
10 Here with me is Angel Moore, the Director of Marketing at
11 Alameda County Fairs. Good morning, Commissioners.

12 We'd like to present our license for racing at the
13 Alameda County Fair this year. And we'll be going from June
14 12th to July 7th, 15 days of racing.

15 As a general comment, we've raised our overnight
16 purses across the board for all fairs, adding another
17 \$150,000 to the overnight races. The one drawback is that
18 we've had to -- we've eliminated the two-year-old filly
19 race, stake's race, at Alameda this year. But we are
20 considering reinstating that during the Fresno meet. There
21 just simply is not enough horses and winners that early in
22 the season. So those are the changes, major changes.

23 Also, we continue to offer the out-of-state
24 program where horses coming in from out of state get \$150
25 for the first start, \$150 for the second start, \$150 for the

1 third start. We also have our trainer incentive program.

2 Any trainer that has five starts gets a \$500 bonus. If they
3 have ten or more starts they get \$1,000 bonus.

4 Last year we had a very successful meet. I don't
5 see anything that is going to change this year. Things look
6 good out of state and in state.

7 And at this point, I'd like to turn it over to
8 Angel to go over the marketing plan.

9 MS. MOORE: Again, Angel Moore, Alameda County
10 Fair. And I just wanted to just briefly touch on some of
11 the things that we plan on doing for marketing this year.

12 We always do a great integrated marketing
13 communications plan which includes traditional, social and
14 digital media. It's a big part of what we do. We do events
15 at the fair as well. So events that we bring to the table,
16 we bring Beer Fest, Wine Fest, cocktails festivals. This
17 year, we're integrating an event called Out at the Fair.
18 We're integrating an Asian-Pacific Heritage Event at the
19 fair, Fiesta at the Fair, and a Bollywood event at the fair.
20 That's to bring new people out to the fair and also
21 introduce them to what we do at the track.

22 A really big part of what we are going this year
23 is we are taking active and proactive measures in creating a
24 communications program so that we can communicate to our
25 community and the network affairs community on the care and

1 health of our thoroughbreds, of our track, and of our
2 jockeys, so we're doing that. We're actually taking a note
3 from you with the California Cares videos that you have done
4 and the I Am Horse Racing videos that you have done, and
5 we're actually creating some of our own videos with those
6 that are involved in racing in Northern California. So
7 that's something that we're doing that is really important
8 to us. And we're really proud that we're going to be able
9 to share that with our network affairs across the state.

10 So that is a big part of what we're doing up at
11 the Alameda County Fair. Any questions?

12 CHAIR WINNER: Thank you.

13 VICE CHAIR AUERBACH: Why didn't you bring the
14 wine with you today?

15 MS. MOORE: I should have brought wine.

16 COMMISSIONER RUANO: Mr. Chairman?

17 CHAIR WINNER: Yes, Commissioner Araceli?

18 COMMISSIONER RUANO: I just wanted to commend you
19 for reaching out to the LGBTQ community, the Asian-American
20 and the Indian-American community. I think it's great that
21 you're standing.

22 CHAIR WINNER: Could you please repeat yourself,
23 Araceli?

24 COMMISSIONER RUANO: Is it on?

25 CHAIR WINNER: Could you speak into the mike?

1 COMMISSIONER RUANO: Ah. I just want to commend
2 you for reaching out to the LGBTQ community and to the
3 Indian-American and Asian-American community. I think it's
4 great. And the videos are great. Please share them with us
5 once you have them.

6 MS. MOORE: We absolutely will. Thank you so
7 much. We do a survey every year to see where our community,
8 our demographics, and who is coming to the fair. And so
9 that survey told us who's coming to our fair and we're
10 making a concerted effort to reach out.

11 CHAIR WINNER: Any other questions? Is there a
12 motion?

13 VICE CHAIR AUERBACH: So moved.

14 CHAIR WINNER: Moved by Vice Chair Auerbach.

15 COMMISSIONER RUANO: Second.

16 CHAIR WINNER: Seconded by Commissioner Ruano.
17 Commissioner Ruano?

18 COMMISSIONER RUANO: Yes.

19 CHAIR WINNER: Vice Chair Auerbach?

20 VICE CHAIR AUERBACH: Yes.

21 CHAIR WINNER: Chairman votes yes.

22 Commissioner Solis?

23 COMMISSIONER SOLIS: Yes.

24 CHAIR WINNER: Commissioner Maas?

25 COMMISSIONER MAAS: Yes.

1 CHAIR WINNER: Commissioner Alfieri?

2 COMMISSIONER ALFIERI: Yes.

3 CHAIR WINNER: Have a great meet.

4 MR. SWARTZLANDER: Thank you.

5 MS. MOORE: Thank you very much.

6 CHAIR WINNER: Thank you.

7 Item number eight -- seven. Item number seven,
8 discussion and action by the Board regarding
9 possible reallocation of race dates granted to the Los
10 Angeles Turf Club, LATC, at Santa Anita Park Race Track
11 pursuant to Business and Professions Code Section 19530.

12 Is there any discussion? I have no cards on this
13 item. Anybody have any reason to speak on this or desire to
14 speak?

15 Okay, hearing none, is there any discussion by the
16 Board? All right.

17 My view is that their racing since Santa Anita has
18 reopened has been really good. There have been no
19 accidents. And I see no reason, personally, I see no reason
20 to move the race dates. I'm not sure that requires a
21 motion.

22 Rick?

23 EXECUTIVE DIRECTOR BAEDEKER: No, Mr. Chairman, it
24 does not. This was simply put on the agenda, consistent
25 with Bagley-Keene, allowing some of the Commissioners that

1 may not have been involved in discussions kind of behind the
2 scenes, allowing them to have the opportunity, if they so
3 chose, to speak on this issue.

4 CHAIR WINNER: So there is no discussion -- there
5 is no action.

6 We wish you to continue a good and safe meet.

7 Moving on to item number eight, discussion and
8 action by the Board regarding the proposal to suspend one of
9 more medications authorized in CHRB Rule 1844, Authorized
10 Medication, for all horses participating in all
11
12 licensed horse race meetings for 12 months pursuant to CHRB
13 Rule. 1844.1, Suspension of Authorized Medication.

14 Is it Rob or Doc who's going to speak first?

15 MR. BRODNIK: I'll give a brief preamble.

16 CHAIR WINNER: Okay.

17 MR. BRODNIK: Rob Brodnik, California Horse Racing
18 Board.

19 Commissioners, you may recall last month you did a
20 similar provision for the Santa Anita and Golden Gate race
21 meets, extending suspension of authorized -- certain
22 authorized medications through the remainder of the meet.
23 This item on the agenda will allow you to similarly extend
24 those suspensions for 12 months, as you see fit, which could
25 include all remaining race meets that will be occurring,

1 regardless of breed, for the next 12 months.

2 CHAIR WINNER: Dr. Arthur?

3 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah. I would
4 like to report. Dr. Arthur, Equine Medication Director.

5 I would like to report that the first two weeks --
6 we have all the tests done through last weekend, not the
7 just completed weekend, but there's been no violations under
8 the new regulation. And I realize there's been a lot of
9 discussion about drugging horses here but I would like to
10 point out, we test for more drugs at lower levels than any
11 other professional sport. And I would doubt if very many
12 people in this room could pass a post-race drug test.

13 But the fact of the matter is that -- the fact of
14 the matter is that it's worked very well. If this is going
15 to be projected forward, I would recommend to make sure we
16 get the people onboard at Los Alamitos, that it go forward
17 as of March 3rd. I think that gives us enough time to --

18 MR. BRODNIK: You mean May 3rd?

19 EQUINE MEDICAL DIRECTOR ARTHUR: May 3rd, excuse
20 me, May 3rd. And that would give us enough time to meet
21 with the people at Los Alamitos and explain that. Harness
22 racing would just about be over. And then the fair meets
23 would start. If that's what you want to do?

24 And again, I would recommend that we limit the
25 suspension of authorizations to the same nonsteroidal and

1 steroidal anti-inflammatories that we suspended
2 authorization for here at Santa Anita and Golden Gate
3 Fields.

4 VICE CHAIR AUERBACH: Can I ask a questions? Did
5 we want to talk about a cutout for the harness horses?

6 EQUINE MEDICAL DIRECTOR ARTHUR: Harness racing
7 would be finished by then. Chris Schick is here. He could
8 comment.

9 VICE CHAIR AUERBACH: Yeah. But isn't this going
10 to be on an ongoing basis --

11 CHAIR WINNER: This is only --

12 EXECUTIVE DIRECTOR BAEDEKER: No. It would affect
13 them in October when they start up again.

14 VICE CHAIR AUERBACH: Yeah.

15 CHAIR WINNER: Yeah.

16 EXECUTIVE DIRECTOR BAEDEKER: So --

17 VICE CHAIR AUERBACH: Do we not --

18 EQUINE MEDICAL DIRECTOR ARTHUR: You could revisit
19 that in October if the harness industry has a feeling one
20 way or the other. Chris is here. He may want to -- Chris
21 Schick is here. He may want to make a comment.

22 CHAIR WINNER: Hold on just a second.

23 Jimmy --

24 MR. PEREZ: Yeah.

25 CHAIR WINNER: -- do you want to introduce

1 yourself?

2 MR. PEREZ: Yes. Jim Perez, the Executive
3 Director of California Harness Horsemen's Association.
4 Chris had to leave to catch a flight.

5 We have no problem with this. Our meet ends a
6 week from Friday. So we'd like to revisit this, if we need
7 to, before our next meet starts in November, so --

8 EXECUTIVE DIRECTOR BAEDEKER: So to be clear in
9 terms of procedure here, if the Board voted to apply the
10 suspension of these thresholds to every meet for the next 12
11 months, this theoretically then would affect your meet
12 beginning in late October --

13 MR. PEREZ: November.

14 EXECUTIVE DIRECTOR BAEDEKER: -- or November.

15 MR. PEREZ: November.

16 EXECUTIVE DIRECTOR BAEDEKER: Right.

17 MR. PEREZ: Correct.

18 EXECUTIVE DIRECTOR BAEDEKER: So is the Board
19 hearing it correctly that, at this point, you don't have any
20 objection?

21 MR. PEREZ: We have no objection to it. It
22 doesn't really pertain to us, I mean, in the big picture of
23 things. When you go to breakdowns and stuff, we've had 1 in
24 15 years, so --

25 EXECUTIVE DIRECTOR BAEDEKER: Right.

1 MR. PEREZ: -- it really doesn't, so we support
2 it. And we'll address this if we need to within the next
3 six months but, as of now, we're fine with it.

4 VICE CHAIR AUERBACH: Okay.

5 CHAIR WINNER: Okay. Thank you.

6 VICE CHAIR AUERBACH: Well, that's a little bit of
7 a change from what I was told, so that's --

8 MR. PEREZ: Yeah.

9 VICE CHAIR AUERBACH: -- that's fine.

10 MR. PEREZ: Well, we talked about it. But after
11 thinking about it, it didn't -- doesn't really affect us --

12 VICE CHAIR AUERBACH: Okay.

13 MR. PEREZ: -- so we're fine with that.

14 CHAIR WINNER: Thank you.

15 VICE CHAIR AUERBACH: Great.

16 MR. PEREZ: Thank you.

17 CHAIR WINNER: All right, so it is to,
18 essentially, to extend the threshold rule that we adopted
19 for Santa Anita and Golden Gate at the last meeting to all
20 meets through the end of the year; correct?

21 VICE CHAIR AUERBACH: And starting when in Los Al?
22 Is that written in the language?

23 EQUINE MEDICAL DIRECTOR ARTHUR: May 3rd. That's
24 the Friday right before Derby week.

25 VICE CHAIR AUERBACH: Okay.

1 EQUINE MEDICAL DIRECTOR ARTHUR: That gives us
2 about two weeks to get it all squared away.

3 VICE CHAIR AUERBACH: And that's enough time?

4 EQUINE MEDICAL DIRECTOR ARTHUR: Yes.

5 CHAIR WINNER: Do you want me to read this?

6 EXECUTIVE DIRECTOR BAEDEKER: Does the Chairman
7 need to read all of the racetracks?

8 MR. BRODNIK: Yeah. So that would be the motion,
9 the proposed motion that the Board could approve.

10 CHAIR WINNER: Okay. Let me --

11 MR. BRODNIK: And then --

12 CHAIR WINNER: -- let me move this then as
13 written.

14 I move to suspend the authorized administration
15 of, bear with me, 1844(c)(1), 1844(c)(2), 1844(c)(3),
16 1844(f)(1), 1844(f)(4), 1844(f)(5), 1844(f)(7), 1844(f)(10),
17 1844(f)(12), 1844(f)(13), 1844(f)(16) for race meets
18 occurring within the 12 months from today at the following
19 locations, Santa Anita Racetrack, Los Alamitos Racetrack,
20 Del Mar Racetrack, Golden Gate Race Fields -- or Golden Gate
21 Fields, Alameda County Fair, Sonoma County Fair, Humboldt
22 County Fair, Los Angeles County Fair, California State Fair,
23 Fresno Fair, and Watch and Wager Race Meet.

24 Is there a second?

25 VICE CHAIR AUERBACH: Second.

1 CHAIR WINNER: Seconded by Vice Chair Auerbach.
2 Any discussion?
3 Commissioner Araceli?
4 COMMISSIONER RUANO: Yes.
5 CHAIR WINNER: Commissioner Ruano, I apologize.
6 Commissioner Ruano?
7 COMMISSIONER RUANO: Yes.
8 CHAIR WINNER: Votes yes.
9 VICE CHAIR AUERBACH: Both of you.
10 CHAIR WINNER: Yeah, that's two votes.
11 Vice Chair Auerbach?
12 VICE CHAIR AUERBACH: Yes.
13 CHAIR WINNER: Chairman votes yes.
14 Commissioner Solis?
15 COMMISSIONER SOLIS: Yes.
16 CHAIR WINNER: Commissioner Maas?
17 COMMISSIONER MAAS: Yes.
18 CHAIR WINNER: Commissioner Alfieri?
19 COMMISSIONER ALFIERI: Yes.
20 CHAIR WINNER: All right. The measure passes
21 unanimously and that goes into effect. Thank you.
22 MR. BRODNIK: And that will include a May 3rd
23 start date at Los Alamitos?
24 CHAIR WINNER: Correct.
25 MR. BRODNIK: Thank you.

1 CHAIR WINNER: Report from the Medication, Safety
2 and Welfare Committee.

3 VICE CHAIR AUERBACH: Okay. I am going to give
4 the report but we're going to do it a little bit
5 differently. I'm going to address two items that we talked
6 about at the end of our meeting. And the rest of the items
7 are directly affected by items 10 through 14 and I will
8 address the comments and work of the Committee at the time
9 we address those items.

10 We had a report and discussion and a presentation
11 from the Jockeys' Guild regarding the riding crops. We had
12 Mindy Coleman. We had Mike Smith. We had two Quarter horse
13 jockeys whose names escape me at the moment, Cody Jensen,
14 and I forget the other gentleman's name. It was a very
15 fruitful discussion. We talked about the whip. We talked
16 about the usage. And in light of everything that went on
17 earlier today, I think we all understand the importance of
18 how we present ourselves to the universe and things of that
19 nature.

20 As a result of those discussions and the
21 information that we were given, it is now reported to me
22 that the Jockeys' Guild is working with The Stronach Group,
23 and I believe with all the interested parties, whether it's
24 the trainers or whoever else is included in that group, to
25 come up with language and activity that will satisfy all

1 parts of the industry.

2 So we are waiting to hear from them and I would
3 anticipate that our next medication meeting, we will be
4 presented with some language that we can all weigh in on and
5 decide whether or not that will fulfill everybody's needs.
6 We understand that we have a lot of audiences that are
7 looking at us and we need to find language and activity that
8 will support horse racing in a manner that we all want to
9 see continue.

10 The next item on my report would be -- in fact,
11 Commissioner Solis, would you like to give your part of
12 this, because this was your part? Would you like to discuss
13 what you've been doing with your meetings, your weekly
14 meetings, or do you want me to do it?

15 COMMISSIONER SOLIS: Do you mind doing it?

16 VICE CHAIR AUERBACH: No, I don't mind doing it.

17 COMMISSIONER SOLIS: Just, you're better at
18 reading than I am.

19 VICE CHAIR AUERBACH: Okay. This was an update
20 and discussion on the weekly track meetings held at Santa
21 Anita. Alex Solis serves on a ten-member Committee and
22 provided the update on their meetings, which began March
23 6th. The other members are jockeys, trainers, track
24 management, exercise rider, the official veterinarian, and
25 track superintendent. Alex said that they've addressed a

1 wide range of safety-related issues including track
2 maintenance, designated time on track for workers only, the
3 number of outriders and how they are performing their duties
4 during training, including traffic control.

5 They also discuss track measurements, such as
6 depths, moisture content, and they consider what riders are
7 saying about eh surfaces. These group discussions have led
8 to additional meetings with outriders and track maintenance
9 personnel.

10 The point of the discussions is to identify ways
11 to enhance the safety of riders and horses. And we thank
12 the Committee members and stress the need to be
13 hypersensitive and hypervigilant to safety issues.

14 Rick Baedeker said the challenge is to keep going.
15 We will give them all the support and help that we can. And
16 I don't, in all the years I've been doing this in one form
17 or another, I have never seen this type of activity where
18 the people who are most responsible and most knowledgeable
19 about the track surface and about what goes on, on a day-to-
20 day, hour-to-hour basis, actually discussing it with each
21 other, actually people who know what they're talking about,
22 like a hall of fame jockey, along with hall of fame trainers
23 and hall of fame everything related to racing track
24 surfaces, where these people are talking every single week
25 to address potential issues before they become real issues.

1 And I want to thank Commissioner Solis for his
2 work because I know how hard he works every single day. And
3 for him to do this on top of it, we're really grateful.

4 And please keep it up, Alex.

5 (Applause.)

6 CHAIR WINNER: I agree.

7 VICE CHAIR AUERBACH: And as I said, I will talk
8 about most of these --

9 CHAIR WINNER: Okay.

10 VICE CHAIR AUERBACH: -- as we get to them.

11 CHAIR WINNER: Thank you.

12 Let's go on to item number ten, discussion and
13 action by the Board regarding the proposed amendment to CHRB
14 Rule 1942, Veterinarian Report, to require such reports be
15 submitted electronically.

16 Dr. Arthur?

17 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. Dr. Arthur,
18 Equine Medical Director.

19 This is a proposal to require the -- all the
20 veterinarians reports under 1842 to be submitted
21 electronically. We discussed at the meeting yesterday that
22 we need to take this back and work on the language and we'll
23 bring this back, probably directly to the Board, at the next
24 meeting.

25 CHAIR WINNER: So there's no action to be taken?

1 You're not recommending --

2 EQUINE MEDICAL DIRECTOR ARTHUR: No action to be
3 taken.

4 CHAIR WINNER: -- action today?

5 VICE CHAIR AUERBACH: No.

6 EQUINE MEDICAL DIRECTOR ARTHUR: No.

7 VICE CHAIR AUERBACH: No, we're not because, first
8 of all, this is HIPPA compliant. It is a service --

9 CHAIR WINNER: Right.

10 VICE CHAIR AUERBACH: -- that is going to be
11 provided to us by the Jockey Club free of charge. And it
12 has to be -- we have to put finishing touches on it but it
13 will be wonderful and helpful. And we have to actually
14 change the written rule because the rule, the way we have
15 it, says that this all has to be provided in writing and
16 does not really allow for the electronic capture of the
17 information. So this is all new age stuff and we have to
18 get our regs caught up with --

19 CHAIR WINNER: Okay.

20 VICE CHAIR AUERBACH: -- the reality of the world.

21 CHAIR WINNER: All right. So this will be on the
22 May agenda?

23 VICE CHAIR AUERBACH: Yes.

24 COMMISSIONER RUANO: Will previous reports be
25 digitized from paper to scanned?

1 EQUINE MEDICAL DIRECTOR ARTHUR: No.

2 COMMISSIONER RUANO: No?

3 EQUINE MEDICAL DIRECTOR ARTHUR: It's just
4 impossible to do. In fact, we discussed yesterday that in
5 the last week the official vet had 233 pages of paper
6 reports handwritten from 24 different veterinarians. And it
7 just a very difficult task and it's something we've been
8 talking about for years. We just have to move forward.

9 CHAIR WINNER: I'm looking to see. Okay. Any
10 other discussion on this since we're moving it to the May
11 meeting? Okay.

12 Thank you, Dr. Arthur.

13 Next item, discussion and action by the Board
14 regarding the proposed addition of CHRB Rule 1842.5 Trainers
15 to Maintain Medication Treatment Records, of all
16 treatments given to a horse, including veterinary procedures
17 performed and all medications administered; such records to
18 be available for inspection by representatives of the CHRB
19 in their official duties.

20 Dr. Arthur?

21 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. We brought
22 this back. We proposed this several years ago. This is
23 essentially a proposal that is consistent with the IFHA Code
24 of Medication Practices for horses in training. What it is,
25 is it requires the trainer to maintain a record of the

1 medications being administered to the horses. We have
2 difficult when we have drug violations as to who gave what
3 when, where. Who prescribed the drug? This is the way that
4 we make sure that we have that documented. And frankly,
5 it's a way to try to get more discipline into the way that
6 medications are used. It's a common sense proposal and
7 it's, frankly, something most good trainers do already.

8 EXECUTIVE DIRECTOR BAEDEKER: Doc, if this -- I'm
9 sorry.

10 VICE CHAIR AUERBACH: Do we want to do an action
11 on this or did we want to -- because I know we were talking
12 about the various formats to provide this information. And
13 Alan Balch got up and spoke about some of the trainers
14 already have --

15 EQUINE MEDICAL DIRECTOR ARTHUR: They're --

16 VICE CHAIR AUERBACH: -- ways to communicate this.
17 So do we want to make this an action item or --

18 EQUINE MEDICAL DIRECTOR ARTHUR: No. The --

19 CHAIR WINNER: It's not an action item. It's not
20 on the agenda as an action item. It's on the agenda for
21 discussion only, I believe.

22 EQUINE MEDICAL DIRECTOR ARTHUR: Well, it's
23 actually --

24 VICE CHAIR AUERBACH: No. It says discussion and
25 action.

1 EQUINE MEDICAL DIRECTOR ARTHUR: -- on the agenda
2 for discussion and action.

3 VICE CHAIR AUERBACH: This is both.

4 EQUINE MEDICAL DIRECTOR ARTHUR: And the --

5 VICE CHAIR AUERBACH: And so --

6 EQUINE MEDICAL DIRECTOR ARTHUR: -- regulation as
7 proposed specifically does not require a specific format.
8 The regulation will require they just meet these
9 requirements and trainers can do it in their own way.
10 That's the way they do it in the British Horseracing
11 Authority. They don't really mandate. They keep them in
12 one particular way.

13 But if the trainers, as Alan Balch recommended,
14 come up with a standardized format, then fine and dandy.

15 VICE CHAIR AUERBACH: I think the question that I
16 have at this point in time, Alan, I'd like you to weigh in
17 on this please, is since we did go through this, do we want
18 to take this item and make it specific so that it would
19 become an action item next time out?

20 EQUINE MEDICAL DIRECTOR ARTHUR: It is. It
21 actually is specific in terms of what it requires the
22 trainer to maintain, it's just the information is specific,
23 the format isn't.

24 EXECUTIVE DIRECTOR BAEDEKER: If this rule is
25 moved today and becomes a rule at some point, it doesn't

1 preclude digital format --

2 EQUINE MEDICAL DIRECTOR ARTHUR: Absolutely.

3 EXECUTIVE DIRECTOR BAEDEKER: -- or even a written
4 format, in other words, the best possible procedure can be
5 arrived at and it wouldn't be -- it wouldn't affect the way
6 this proposed rule is written; correct?

7 EQUINE MEDICAL DIRECTOR ARTHUR: That's right.

8 VICE CHAIR AUERBACH: So we should really --

9 EQUINE MEDICAL DIRECTOR ARTHUR: That's right.

10 VICE CHAIR AUERBACH: It is really an action?

11 EQUINE MEDICAL DIRECTOR ARTHUR: It is.

12 CHAIR WINNER: Yeah, it's right here --

13 EXECUTIVE DIRECTOR BAEDEKER: Yeah. It --

14 CHAIR WINNER: -- on the other page.

15 EXECUTIVE DIRECTOR BAEDEKER: -- it can be moved.

16 VICE CHAIR AUERBACH: Yeah.

17 EXECUTIVE DIRECTOR BAEDEKER: Yeah.

18 VICE CHAIR AUERBACH: Because I think I would like
19 to see something that clarifies that we want this
20 information but we are not restricting how it's provided,
21 and that's what we're saying.

22 EQUINE MEDICAL DIRECTOR ARTHUR: It actually is in
23 the -- there's no requirement as how -- on a specific
24 format. There's a requirement of specific information. So
25 trainers can do it in different ways as long as that

1 information is available for inspection.

2 CHAIR WINNER: And this, the action today, if
3 passed, it would go out for 45 days?

4 EQUINE MEDICAL DIRECTOR ARTHUR: 45-day notice.

5 CHAIR WINNER: Correct.

6 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah.

7 CHAIR WINNER: Alan Balch?

8 MR. BALCH: Alan Balch, California Thoroughbred
9 Trainers.

10 Just to clarify, everything that you're doing we
11 agree with. My only offer was, yesterday, was that we
12 could, CTT, could certainly assist in providing a format
13 because we would like to see this become electronic, and not
14 20 years from now but now. And somehow, because this is for
15 the -- this is for treatments that are not covered in the
16 previous item. So if we could standardize it to require the
17 trainers to keep the information that's mentioned in this
18 proposal, that would be great, and we'll take that on.

19 CHAIR WINNER: Thank you.

20 All right, is there any further discussion?

21 I think I have a card from Debbie Barklay, who
22 wanted to speak on this.

23 Ms. Barklay?

24 MS. BARKLAY: Good afternoon again.

25 CHAIR WINNER: Hello again.

1 MS. BARKLAY: Debbie Barklay.

2 I believe that this rule is a little bit vague an
3 ambiguous. What you're proposing today impacts trainers
4 that intend to race -- impacts trainers all over the county
5 that intend to race their horses here.

6 So how is this rule going to impact somebody, a
7 trainer in Florida, for example, who wants to bring ten
8 horses out here and race them under the rules of the CHRB?

9 So this isn't specifically limited to the trainers
10 that we currently have in the united -- in California right
11 now.

12 Number two, what if I claim a horse from Florida
13 and maybe there are no records out there, okay, and maybe
14 that horse has had everything under the son done, just
15 hypothetically? I have no knowledge of that. You have no
16 knowledge of that. He comes out here and something happens.

17 So does that put the liability on me as the owner? Does
18 that put the liability on the trainer that I'm sending this
19 horse to in California?

20 I think we really need to delve into this a little
21 bit further because we're dealing in an area that has
22 potential liability ramifications, perhaps for trainers,
23 perhaps for owners. Obviously, the veterinarians are
24 protected under the prior action item there. But I don't
25 think that this particular action item is ripe for

1 discussion, unless there's additional information that is
2 forthcoming to fully clarify the impact on trainers. Not
3 only that but, obviously, this is going to require -- you've
4 got 100 horses out there that you're training all over the
5 place. This is going to be a monumental effort by somebody
6 that's going -- and is going to add cost to the overall
7 training rate.

8 So I believe you need to table this, really
9 discuss it, all of the ramifications that are -- for the
10 trainers all over the country before you bring it for a
11 vote.

12 EXECUTIVE DIRECTOR BAEDEKER: It only applies to
13 trainers in California, so a trainer who has a horse in his
14 or her care in California needs to keep these records. It
15 has no application to a trainer outside the state.

16 MS. BARKLAY: What if I'm --

17 CHAIR WINNER: You're on.

18 MS. BARKLAY: Thank you.

19 What if I'm a trainer that's bringing a horse in
20 for the Breeders' Cup?

21 EXECUTIVE DIRECTOR BAEDEKER: Then once that horse
22 was on the grounds here in California and you are a licensed
23 trainer in California, it would be required to keep a record
24 of any medication treatments that the horse received within
25 the CHRB enclosed stable area.

1 MS. BARKLAY: So you're saying that --

2 EXECUTIVE DIRECTOR BAEDEKER: Correct, Doc?

3 EQUINE MEDICAL DIRECTOR ARTHUR: That's right.

4 EXECUTIVE DIRECTOR BAEDEKER: Yeah.

5 MS. BARKLAY: So you're saying that those trainers
6 that are in Florida or wherever they're at, Kentucky, they
7 can bring a horse in here and virtually be exempt from the
8 same rules that the trainers are being -- must adhere to
9 here in California?

10 EXECUTIVE DIRECTOR BAEDEKER: No, ma'am, they're
11 not exempt.

12 CHAIR WINNER: No.

13 EXECUTIVE DIRECTOR BAEDEKER: Once the horse is
14 in --

15 VICE CHAIR AUERBACH: Just the opposite.

16 EXECUTIVE DIRECTOR BAEDEKER: -- California, they
17 have to keep the records.

18 MS. BARKLAY: Once they're in California --

19 VICE CHAIR AUERBACH: Right.

20 CHAIR WINNER: Yeah.

21 MS. BARKLAY: -- with a horse, the have to keep
22 the records?

23 CHAIR WINNER: That's correct.

24 MS. BARKLAY: But prior to that, even though they
25 carry a license in California --

1 EXECUTIVE DIRECTOR BAEDEKER: The horse has to be
2 in California.

3 MS. BARKLAY: The horse has to be in California?

4 CHAIR WINNER: Yeah.

5 MS. BARKLAY: Okay. Is this the extent of --

6 CHAIR WINNER: We can't, as you know, we can't
7 determine what the rules and regulations are outside of
8 California. We can only determine when it's in our
9 inclosure.

10 MS. BARKLAY: Okay. So --

11 CHAIR WINNER: So that's essentially what we're
12 talking about here.

13 MS. BARKLAY: Okay. So you're exempt from these
14 rules if the horse is not here in California?

15 CHAIR WINNER: That's correct.

16 MS. BARKLAY: Okay. Does this also include such
17 treatments like acupuncture, hyperbaric chambers, things of
18 that nature?

19 VICE CHAIR AUERBACH: It should include
20 everything, every service that's provided, there should a
21 record.

22 EXECUTIVE DIRECTOR BAEDEKER: It's a medication
23 treatment so, Doc, you'd have to answer that question.

24 CHAIR WINNER: Yeah, a hyperbaric chamber.

25 MS. BARKLAY: It says, "all treatments."

1 EQUINE MEDICAL DIRECTOR ARTHUR: Anything that --
2 any treatment that is prescribed by a veterinarian, and,
3 frankly, the California Veterinary Medical Board considers
4 any physical therapy to be a veterinary practice requiring a
5 prescription, so you would need to keep track. If you send
6 a horse to a hyperbaric chamber and you don't have a record
7 of it, shame on you.

8 VICE CHAIR AUERBACH: Yeah. It's the same -- and,
9 for example, I mean, I know I get the bills for all these
10 treatments, so somebody is keeping track of them. So it
11 shouldn't be very difficult to make sure that those --

12 MS. BARKLAY: What's in the case --

13 VICE CHAIR AUERBACH: -- you know, the trainer
14 should know because they're the ones that are responsible.

15 So this is really kind of a no-brainer thing where
16 their trainer should --

17 MS. BARKLAY: No, it is a brainer thing, Ms.
18 Madeline, it is a brainer thing --

19 VICE CHAIR AUERBACH: Well, no, only because --

20 MS. BARKLAY: -- because a lot of --

21 VICE CHAIR AUERBACH: -- only because --

22 MS. BARKLAY: -- a lot of trainers like to -- you
23 know, can use acupuncture, they can use chiropractor. So
24 it's kind of like are those --

25 VICE CHAIR AUERBACH: Yeah, but those --

1 MS. BARKLAY: -- outside the scope?

2 VICE CHAIR AUERBACH: -- but those things get
3 billed to the owner no matter what they do. Everything
4 that -- well, okay, I shouldn't be universal. Almost every
5 trainer that I've dealt with, any kind of service that's
6 provided for the horse --

7 MS. BARKLAY: Yes.

8 VICE CHAIR AUERBACH: -- does appear on the bill,
9 so someone has a record of it. And what we're saying is we
10 need to know every treatment that the horse has received.
11 There should be no underground treatments of horses of any
12 sort. We should know about it.

13 EQUINE MEDICAL DIRECTOR ARTHUR: Just to be clear,
14 acupuncture and chiropractic are veterinary practices in
15 California. We require those to be reported as a vet -- on
16 the veterinary report, so those would be exempt because they
17 are subject to 1842 reporting that we talked about just a
18 minute ago. So if it's done by a veterinarian, it's not --
19 doesn't have to be reported because the veterinarian is
20 reporting it.

21 But if the trainer, for example, if somebody
22 dispenses phenylbutazone, or let's say clenbuterol, for a
23 ten-day treatment for some illness, that is what has to be
24 reported, or if somebody reports -- or prescribes some
25 physical therapy treatment, that would have to be reported

1 as well.

2 MS. BARKLAY: Is that spelled out, sir, someplace,
3 so that it's clear for people that are in Florida, that they
4 look at this and they can say, okay, this is the situation
5 where I have to report it, this is a situation where I'm
6 exempt from doing it?

7 EQUINE MEDICAL DIRECTOR ARTHUR: In Florida, it
8 doesn't matter. In California, it's right here. And if
9 anybody has any questions, you can always contact the
10 official veterinarian, like we do on every other thing.

11 MS. BARKLAY: Okay. So this is the extent of the
12 rule then, is as written here, there's nothing else, no
13 (indiscernible)?

14 EQUINE MEDICAL DIRECTOR ARTHUR: That's right.

15 MS. BARKLAY: Okay. I still recommend that you
16 table this discussion, at least until the next meeting, and
17 allow input, perhaps, from people, from other people.

18 CHAIR WINNER: Just to make it clear, that's the
19 purpose of the 45-day public comment period. So if we vote
20 it out today, then it has to go through a process --

21 MS. BARKLAY: Right.

22 CHAIR WINNER: -- and it gives 45 days for the
23 public to make the kinds of comments --

24 MS. BARKLAY: Okay.

25 CHAIR WINNER: -- that you're suggesting before we

1 vote on it in a final vote.

2 MS. BARKLAY: Wonderful. Thank you.

3 VICE CHAIR AUERBACH: And the truth is, this
4 particular item, we've brought up so many times already and
5 we've discussed it quite a bit now. And once again, there
6 will be more opportunity to discuss it if anybody wants to,
7 so --

8 EQUINE MEDICAL DIRECTOR ARTHUR: This is modeled
9 after the IFHA Guidelines for Medication, Practices and
10 Training and is modeled after the rule for the British Horse
11 Racing Authority that they administer. The language is
12 almost identical.

13 MS. BARKLAY: Very good. Thank you.

14 CHAIR WINNER: Thank you very much.

15 Pavla McGaard, good morning again or good
16 afternoon now again.

17 MS. MCGAARD: Thank you.

18 CHAIR WINNER: Please identify yourself again --

19 MS. MCGAARD: Yes.

20 CHAIR WINNER: -- please?

21 MS. MCGAARD: It's Pavla McGaard with Thor-Bred
22 Stables, LLC.

23 So as a breeder and an owner, I spend a lot of
24 time talking to vets. I spend a lot of time looking at vet
25 records. And I spend a lot of time paying bills for those

1 treatments.

2 I would say that, as a general rule, it's the
3 things that we don't know as owners and trainers that are
4 harder to manage than the things we do know. And especially
5 for those -- I do not spend a lot of time in the claiming
6 game but, from what I understand, when horses change hands,
7 whether it is that they change trainers because they were at
8 a -- they were started as a yearling and they go on to a
9 trainer, a lot of the times those vet's records do not
10 continue. Sometimes I will see bills for similar things.
11 And as long as I can continue communication, it's easier to
12 maintain than not.

13 But what I'm trying to say is that as an owner, as
14 a breeder, I highly welcome an opportunity to have records
15 of vet procedures. Because if you know that something has
16 been done previously, you don't want to be doing it again,
17 and especially that it is the case in any of the joint
18 injection situations which, hopefully, we don't need in any
19 case, but if they were done, and especially if they were
20 done at the claiming level, you want to know that.

21 You want your vets to know that. And I would
22 pray that there is an opportunity to be able to accomplish
23 something like this at the national level so that we're not
24 talking about this just for California but so that there is a
25 way, whether it is something that gets attached to the

1 microchip information in the future, as all the horses are
2 microchipped, so that, of course, you know, only appropriate
3 people have access to that information.

4 But it is the things we don't know that hurt us a
5 lot more than we do, so I'm very much in support of asking
6 for records to be maintained, because I think that it helps,
7 not just the integrity, but it helps the horse owners and
8 the trainers to take better care of their horses.

9 CHAIR WINNER: Thank you. Thank you very much.

10 All right, any other discussion?

11 Motion, Vice Chair Auerbach?

12 VICE CHAIR AUERBACH: So moved.

13 COMMISSIONER RUANO: Are we moving with the
14 amendment that we come up with a standardized format?

15 VICE CHAIR AUERBACH: No, we don't have to have a
16 standardized format.

17 COMMISSIONER RUANO: Well, we don't have to but
18 it was recommended, so I don't know if that's --

19 EQUINE MEDICAL DIRECTOR ARTHUR: I would advise
20 against it. Some trainers have very good records in
21 different formats. Some of them actually do use electronic
22 already. It certainly hasn't been an issue in other racing
23 authorities around the world who required similar, you know,
24 regulations.

25 I will say, there is a model format that we have

1 that's in the packet, that would be in your packet, but
2 we're not mandating a specific format.

3 COMMISSIONER ALFIERI: Mr. Chairman, I have a
4 question.

5 CHAIR WINNER: Please.

6 COMMISSIONER ALFIERI: The saltwater spa here, for
7 example, here at Santa Anita, that's a treatment but it's
8 not prescribed by a vet. Is that -- would that be
9 applicable in this, too, we'd have to keep --

10 EQUINE MEDICAL DIRECTOR ARTHUR: Well,
11 interestingly --

12 COMMISSIONER ALFIERI: -- trainers would keep a
13 record on that?

14 EQUINE MEDICAL DIRECTOR ARTHUR: -- the Veterinary
15 Medical Board considers that a practice of veterinary
16 medicine but that's their battle, it hasn't been ours.

17 Yes, it would be something that should be on the
18 report. But, quite frankly, I don't see us going down and
19 chasing that rabbit hole.

20 COMMISSIONER ALFIERI: Okay.

21 EQUINE MEDICAL DIRECTOR ARTHUR: But, you know,
22 any -- if it's a veterinary practice, primarily if it's
23 prescribed by a veterinarian and administered by a trainer,
24 that's what we're trying to get at. Most of our medication
25 violations are oral medications that are administered by

1 personnel in the barn. And very frequently we don't get a
2 history of who did what, when and where, and this is trying
3 to put some discipline in that process.

4 COMMISSIONER ALFIERI: Got it.

5 CHAIR WINNER: All right.

6 COMMISSIONER ALFIERI: Thanks.

7 CHAIR WINNER: It's been moved by Vice Chair
8 Auerbach.

9 Did you second it, Commissioner?

10 COMMISSIONER RUANO: No.

11 CHAIR WINNER: No. Okay.

12 COMMISSIONER SOLIS: Second.

13 CHAIR WINNER: Seconded by Commissioner Solis.

14 Any discussion? Any discussion? The purpose of
15 this is to send it out for 45-day public comment.

16 Commissioner Alfieri?

17 COMMISSIONER ALFIERI: Yes.

18 CHAIR WINNER: Commissioner Maas?

19 COMMISSIONER MAAS: Yes.

20 CHAIR WINNER: Commissioner Solis?

21 COMMISSIONER SOLIS: Yes.

22 CHAIR WINNER: Chair votes yes.

23 Vice Chair?

24 VICE CHAIR AUERBACH: Yes.

25 CHAIR WINNER: Commissioner Ruano?

1 COMMISSIONER RUANO: No.

2 CHAIR WINNER: Commissioner Ruano votes no.

3 It passes by a five-to-one vote.

4 All right, let's go on to item number 12 -- let me
5 put on my glasses -- discussion and action by the Board
6 regarding the proposed addition of CHRB Rule 1846.6,
7 Postmortem Examination Review, to require a postmortem
8 examination review of each equine fatality within a CHRB
9 inclosure.

10 Did you want to speak on this?

11 VICE CHAIR AUERBACH: Yeah. What we -- currently,
12 trainers and other licensees are being asked to voluntarily
13 participate in a review of postmortem reports involving
14 fatalities of horses in their care. This rule would make
15 that review mandatory. And on top of what we've just all
16 been through, I hate to put it this way, but I think it's a
17 no-brainer.

18 Dr. Arthur said, "Many trainers and other
19 licensees lack a true understanding of factors that can lead
20 to catastrophic injuries. Requiring trainers to review
21 postmortem reports with the official veterinarian is an
22 educational opportunity and will help them understand how
23 injuries develop and occur."

24 Rick Baedeker said, "We need to do everything we
25 possibly can to reduce fatalities."

1 And Alex and I both feel it is extremely important
2 for everyone involved with a horse and they should learn as
3 much as possible about the fate of their horses. And we
4 recommend that the Board approve this proposed rule for
5 public notice.

6 CHAIR WINNER: Did you want to comment on this,
7 Dr. Arthur?

8 EQUINE MEDICAL DIRECTOR ARTHUR: No. I think the
9 Vice Chairman covered the discussion very well.

10 CHAIR WINNER: Thank you.

11 Is there any other -- I know that we have a card
12 from Debbie Barklay again.

13 MS. BARKLAY: Good afternoon, Commissioner, once
14 again. My name is Debbie Barklay.

15 I see this as an underlying health issue. And I'd
16 like to know, what is the CHRB inclosure, first off? Where
17 would these postmortem examinations be conducted?

18 VICE CHAIR AUERBACH: The examinations --

19 EXECUTIVE DIRECTOR BAEDEKER: The necropsy is --

20 VICE CHAIR AUERBACH: -- or the necropsies?

21 EXECUTIVE DIRECTOR BAEDEKER: No. The
22 examinations will be --

23 MS. BARKLAY: Both.

24 EXECUTIVE DIRECTOR BAEDEKER: -- conducted here or
25 within a CHRB facility, so basically --

1 MS. BARKLAY: Which is the racetrack?

2 EXECUTIVE DIRECTOR BAEDEKER: -- it's the

3 racetrack and the stable area.

4 MS. BARKLAY: Okay.

5 CHAIR WINNER: Or --

6 MS. BARKLAY: How about the --

7 CHAIR WINNER: -- a training facility.

8 EXECUTIVE DIRECTOR BAEDEKER: Or a training

9 facility, yeah.

10 MS. BARKLAY: Okay.

11 EXECUTIVE DIRECTOR BAEDEKER: Any licensed CHRB

12 inclosure.

13 MS. BARKLAY: Would they then automatically be

14 necropsied, these horses?

15 EXECUTIVE DIRECTOR BAEDEKER: Yes, that's already

16 by law.

17 MS. BARKLAY: And would those necropsies take

18 place?

19 EXECUTIVE DIRECTOR BAEDEKER: Every --

20 VICE CHAIR AUERBACH: That's --

21 EXECUTIVE DIRECTOR BAEDEKER: -- horse that's lost

22 in California within a CHRB inclosure must be necropsied.

23 MS. BARKLAY: Where?

24 EXECUTIVE DIRECTOR BAEDEKER: Doc?

25 EQUINE MEDICAL DIRECTOR ARTHUR: My goodness, this

1 program has been place for almost close to -- over 25 years.
2 All horses are necropsied at a California Animal Health and
3 Food Safety Laboratory facility that's operated by the
4 School of Veterinary Medicine, University of California at
5 Davis. They're pathologists, most of them are vet school
6 faculty, and many of them are Board certified, most of them
7 are Board certified. So in Southern California, it's done
8 in San Bernardino. In Northern California, it's done at UC
9 Davis. They have a facility there right next to the vet
10 school. And at Fresno, we actually use the Turlock -- or
11 Tulare facility there.

12 MS. BARKLAY: Okay. And, Dr. Arthur, are you not
13 the Director of Veterinary Medicine at UC Davis?

14 EQUINE MEDICAL DIRECTOR ARTHUR: Excuse me?

15 MS. BARKLAY: Are you the Director of Veterinary
16 Medicine at UC Davis?

17 EQUINE MEDICAL DIRECTOR ARTHUR: I'm not the
18 Director of Veterinary Medicine. I'm the Equine Medical
19 Director.

20 MS. BARKLAY: Equine Medical? I beg your pardon.
21 Okay.

22 And have you received -- has UC Davis received
23 approximately \$10 million from Monsanto for research
24 facilities and research?

25 EQUINE MEDICAL DIRECTOR ARTHUR: I would have no

1 idea.

2 MS. BARKLAY: Okay. Very good.

3 EXECUTIVE DIRECTOR BAEDEKER: What does that have
4 to do with the agenda item?

5 MS. BARKLAY: May I make the following
6 recommendation that as part of the necropsies, there's
7 growing evidence, there's almost 2,000 studies that show
8 that food has an impact on health. And specifically, we're
9 looking at items like glyphosate from Roundup that is
10 sprayed on Roundup-ready crops.

11 CHAIR WINNER: I'm going to have to interrupt you
12 because that is not relevant to the item that's on the
13 agenda. There's no item on the agenda to deal with the
14 chemical issues that you're talking about.

15 MS. BARKLAY: Very well. Well, I would just like
16 to make the point that --

17 CHAIR WINNER: Yeah, go ahead, please.

18 MS. BARKLAY: Thank you, sir.

19 I would like to make the point that items
20 should be included in that necropsy that take a look at bone
21 density and also test the horse for the presence of
22 glyphosate in their system, and also fluoride, calcium
23 fluoride which is known to weaken bones. And that's all I
24 have to say.

25 Thank you, sir.

1 CHAIR WINNER: Thank you. Thank you very much.

2 I hope I pronounce this right, Faramarz Nabori
3 (phonetic). I apologize if butchered that.

4 MR. NABORI: Thank you, Mr. Chair. I'm a member
5 of the public.

6 I would like to say that, with respect to the
7 postmortem examination review, I'd like to ask the
8 Commission to incorporate in that rule an identification of
9 whether the cause of death was the accident itself or
10 whether a decision was made to euthanize the animal. I
11 think this is important because going forward, in terms of
12 how the Commission regulates horse racing, it may be prudent
13 to require the owners of racehorses to post a bond to pay
14 for their medical care or to purchase an insurance policy in
15 the event of a catastrophic injury that prevents them from
16 racing in the future to pay for their treatment, rather than
17 having those animals euthanized.

18 So to further that, I would like to make sure that
19 this rule incorporates some tracking of what was the cause
20 of death: Was it natural or was there a choice made to
21 euthanize the animal?

22 Thank you very much.

23 CHAIR WINNER: Thank you. Let me just comment,
24 and, Doctor, I'll let you comment.

25 Your point is well taken. I don't think it fits

1 this particular agenda item, though I'll let Dr. Arthur
2 comment on it. But I do think it's an issue that can be
3 raised at the next Medication Committee meeting, as I
4 understand your point and I do think it's well taken.

5 Dr. Arthur?

6 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah. I think
7 there's some misunderstanding of what we're talking about.

8 There's two processes here. One is the
9 investigation of a fatality and the Executive Director can
10 discuss how that has changed recently. These are --
11 actually, what we're talking is taking the necropsy report,
12 sitting down the trainer, and going over it as an
13 educational process. We currently have a voluntary process
14 that works fairly well but it's not mandated, it's -- and
15 this would allow us to do it in a more systematic way and
16 use it as an educational process.

17 The investigation is an entirely different
18 process. It's not going to be handled as an enforcement
19 process in the near future, rather than an academic
20 educational process which is what we're proposing here.

21 VICE CHAIR AUERBACH: May I ask the speak, could
22 you come back up? I'm sorry, sir, I don't -- I'm not doing
23 well with names today.

24 MR. NABORI: I have a tough name. Yes.

25 VICE CHAIR AUERBACH: Please say it for me.

1 MR. NABORI: Faramarz.

2 VICE CHAIR AUERBACH: Faramarz.

3 MR. NABORI: Thank you.

4 VICE CHAIR AUERBACH: Faramarz is your first name.
5 I hope you don't mind me using it.

6 I believe that the intent behind what you're
7 suggesting, and correct me if I'm taking the wrong spin on
8 it, I don't want to, I believe that what you're concerned
9 about is that when some of these horses are injured you're
10 concerned that we do not look at the medical necessities as
11 something that would preclude someone taking lifesaving
12 measures. I think that's what you're concerned with; am I
13 right?

14 MR. NABORI: Partially, yes.

15 VICE CHAIR AUERBACH: Okay. Because I just wanted
16 to assure you that those considerations, especially in light
17 of many of the things that have happened now, the financial
18 consideration is not one that we even address. The only
19 thing that we address right now, and I can only speak for
20 Santa Anita because, I mean, I'm sure the other tracks will
21 probably have the same attitude, that if there is the
22 viability of saving that horse's life, it is not a matter of
23 money now. If it is possible to save that horses life, then
24 the horse will undergo whatever is medically necessary to
25 keep that horse viable.

1 That is kind of a change. At one point it was
2 more of a financial decision. I think that's out of the
3 equation now. I think whatever is possible will be
4 attempted with the horse. And I hope that helps in relation
5 to what you're talking about.

6 MR. NABORI: Thank you for clarifying that.

7 CHAIR WINNER: I think, just also to just follow
8 up on that, as I understood your question, it was whether or
9 not these horses are putting down -- being put down for
10 economic reasons. And there are two ways -- there are two
11 concerns. If a horse is insured, then you could make an
12 argument that the horse is being put down in order to get
13 the insurance, or if it isn't insured, then you can make an
14 argument that it's being put down because it's going to cost
15 you a lot of money to operate on the horse surgically, et
16 cetera, and to do the kinds of things to keep it alive. And
17 that's always a very tough decision because you don't want
18 the horse to suffer during that period.

19 I had a horse, some ten years ago, and I gave up
20 the insurance because it was life insurance. I gave that up
21 and chose to go through the surgical process. It was a
22 major-major process. It cost me tens of thousands of
23 dollars. I could afford it; other people couldn't. And we
24 were able to save the horse and it's still alive. So that's
25 ten years ago.

1 So the point being that there is this issue but,
2 as Commissioner Auerbach, Vice Chair Auerbach just
3 explained, we're taking that whole consideration out and
4 it's important to take it out. I mean, never should a horse
5 be put down for economic reasons in my opinion.

6 MR. NABORI: Thank you very much. Thank you for
7 clarifying and thank you, also, for taking your own personal
8 measures to save your horse's life.

9 Just to clarify, I was not speaking about life
10 insurance but rather veterinary insurance so that --

11 CHAIR WINNER: Yeah.

12 MR. NABORI: -- there would be money available for
13 the treatment of the animal.

14 And I would like to express my support for the
15 viewpoint of the Chair and the Vice Chair that this
16 Commission and the racetracks and the horse owners that it
17 regulates should not be euthanizing animals based on a
18 financial consideration.

19 CHAIR WINNER: Right.

20 VICE CHAIR AUERBACH: That's what we're talking
21 about.

22 CHAIR WINNER: Thank you.

23 VICE CHAIR AUERBACH: And the truth is now it is
24 very common practice, just so that you know, when you have
25 insurance on a horse, there is now a major medical

1 component. And it's up to the ownership but there is now a
2 lot of major medical which, unfortunately, I've had to use a
3 few times to help with the bills. But it is becoming less
4 of an economic burden and more of a shared responsibility
5 for all of us and we are trying to do that.

6 Thank you.

7 MR. NABORI: Thank you. And I hope the Commission
8 in the future makes it mandatory.

9 Thank you.

10 CHAIR WINNER: Thank you. Thank you very much.

11 All right, is there a motion or any other
12 discussion?

13 Is there a motion, Vice Chair Auerbach?

14 VICE CHAIR AUERBACH: Yes.

15 CHAIR WINNER: No, you have to move.

16 VICE CHAIR AUERBACH: So moved. I'm sorry.

17 CHAIR WINNER: Vice Chair Auerbach moves.

18 Is there a second?

19 COMMISSIONER MAAS: Second.

20 CHAIR WINNER: Commissioner Maas seconds. Any
21 discussion?

22 Commissioner Alfieri?

23 COMMISSIONER ALFIERI: Yes.

24 CHAIR WINNER: Commissioner Maas?

25 COMMISSIONER MAAS: Yes.

1 CHAIR WINNER: Commissioner Solis?
2 COMMISSIONER SOLIS: Yes.
3 CHAIR WINNER: Chair votes yes.
4 Vice Chair?
5 VICE CHAIR AUERBACH: Yes.
6 CHAIR WINNER: And Commissioner Ruano?
7 COMMISSIONER RUANO: Yes.
8 CHAIR WINNER: Commissioners, it passes
9 unanimously. Thank you.
10 Moving on then to item number 13, discussion and
11 action by the Board regarding the proposed addition of CHRB
12 Rule 1866.2, Use of --
13 VICE CHAIR AUERBACH: Bisphosphonates.
14 CHAIR WINNER: -- yeah -- Bisphosphonates --
15 EQUINE MEDICAL DIRECTOR ARTHUR: Bis. Bis.
16 VICE CHAIR AUERBACH: Bis.
17 CHAIR WINNER: -- bis, okay, Bisphosphonates
18 Restricted, to set restrictions and conditions on the use of
19 bisphosphonates in horses racing and training within CHRB
20 inclosures.
21 Go.
22 EQUINE MEDICAL DIRECTOR ARTHUR: This will be
23 brought over -- this item will be brought over -- brought
24 back next meeting. The proposal here was to match the IFHA
25 and British Horseracing Authority proposals for

1 bisphosphonates. After discussion at the Medication
2 Committee the decision was to make it a prohibited practice
3 in California. And I certainly have no objection to that
4 and that's what the -- Rob Brodnik and I will work on the
5 language for that.

6 CHAIR WINNER: Thank you. I think this is the
7 issue that you raised in conversation with me; is that
8 correct, Commissioner Solis?

9 COMMISSIONER SOLIS: Yes. Correct.

10 CHAIR WINNER: Okay.

11 EQUINE MEDICAL DIRECTOR ARTHUR: I --

12 CHAIR WINNER: And we're comfortable with moving
13 it on to the --

14 VICE CHAIR AUERBACH: Absolutely.

15 CHAIR WINNER: -- moving it over to the next
16 meeting?

17 COMMISSIONER SOLIS: Next meeting, yeah.

18 CHAIR WINNER: Okay.

19 VICE CHAIR AUERBACH: Actually --

20 EQUINE MEDICAL DIRECTOR ARTHUR: I --

21 COMMISSIONER SOLIS: Actually --

22 VICE CHAIR AUERBACH: -- what happened was the
23 original language was to restrict it. And in questioning
24 Dr. Arthur, we were trying to figure out why it's even here,
25 what is the legitimate purpose of that within the horse

1 population? And the truth is there is not legitimate
2 purpose. There is no reason for it to be at the
3 racetrack --

4 EQUINE MEDICAL DIRECTOR ARTHUR: I --

5 VICE CHAIR AUERBACH: -- and we want it gone.

6 EQUINE MEDICAL DIRECTOR ARTHUR: -- I certainly
7 don't see a legitimate reason. There are some veterinarians
8 that are going to have to defend it when -- at the next
9 meeting and I've told them that. I'm fine prohibiting it.
10 I don't think it fits.

11 And if anybody wants to know why we're concerned,
12 go on the CHRB website and under the Veterinary heading,
13 there's actually a video and an educational module we put
14 together on bisphosphonate use.

15 COMMISSIONER SOLIS: I think it's very important
16 to get them out of the backside. This is a drug that cannot
17 be detected. It stops the remodeling process. And I don't
18 see it as really no use to have it.

19 CHAIR WINNER: Okay. So we're going to move this
20 then to the next meeting.

21 Thank you for raising this, Commissioner Solis.
22 And thank you to the Committee.

23 We'll go on then. Did you -- did -- Ms. Barklay,
24 since we moved this to the next meeting, then I believe
25 there's no reason to speak on it. I don't know if you're

1 still here.

2 VICE CHAIR AUERBACH: No, she left.

3 CHAIR WINNER: Okay.

4 Go on to item number 14, discussion and action
5 regarding the proposed addition of CHRB Rule 1368 [sic],
6 Authorized Medication During Workouts, to establish
7 threshold limits for the presence of certain drug substances
8 and medication in official test samples taken from horses
9 after they complete a timed workout.

10 Dr. Arthur, are you going to speak on this?

11 EQUINE MEDICAL DIRECTOR ARTHUR: Yes, I am.

12 This is a proposal that we put forth at the
13 Medication Committee several years ago. There was a lot of
14 resistance. Santa Anita has implemented a house rule for a
15 48-hour stand-down that matches their -- the current
16 proposals for nonsteroidal anti-inflammatories. And what
17 we're going to be proposing here, is what the Committee
18 discussed, is setting thresholds consistent with the RCI 48-
19 hour stand-down requirements.

20 So in other words, the horse can't be treated with
21 nonsteroidal anti-inflammatories within 48 hours of racing.

22 That would mean that 1868(b)(1), phenylbutazone, would be
23 300 nanograms, 1869(b)(2), flunixin, would be 3 nanograms,
24 1868(b)(3), ketoprofen, would be 1 nanogram, all those in
25 blood, plasma or serum. And that would establish,

1 essentially statewide, a restriction on horses working out,
2 timed workouts, that couldn't be treated within 48 hours,
3 which is what our goal was for nonsteroidal anti-
4 inflammatory in our previous action.

5 VICE CHAIR AUERBACH: Dr. Arthur, would you please
6 share with everybody the results that make this kind of
7 another no-brainer please?

8 EQUINE MEDICAL DIRECTOR ARTHUR: Yeah. Through
9 last April 7th, when we have been doing this we have had no
10 violations. That's over 60 horses. Unfortunately, this
11 morning, I got a report of one horse that actually had what
12 would be a violation under this. I contacted the trainer.
13 It's -- CHRB is doing this. It's not the Santa Anita. And
14 he was embarrassed and apologized, so he said he would
15 correct the problem.

16 VICE CHAIR AUERBACH: At this moment in time and
17 it's where we are all trying to do the right thing, and it's
18 evident, and this is the time to continue.

19 CHAIR WINNER: Did you make a motion?

20 VICE CHAIR AUERBACH: I am now making a motion.

21 EXECUTIVE DIRECTOR BAEDEKER: Excuse me.

22 CHAIR WINNER: Excuse me.

23 EXECUTIVE DIRECTOR BAEDEKER: Before that, I just,
24 Doc, it seems to me that the levels that you talked about a
25 moment ago are different than what's in the proposed

1 language.

2 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. Yes, they
3 are.

4 EXECUTIVE DIRECTOR BAEDEKER: So do we need to
5 hold this over?

6 EQUINE MEDICAL DIRECTOR ARTHUR: No, no. All we
7 do is amend those to what we've -- what I'm suggesting is
8 you amend the proposal to what I just read here.

9 CHAIR WINNER: Well, then the motion has to have
10 those -- that language.

11 EQUINE MEDICAL DIRECTOR ARTHUR: That's right. Do
12 you want to read it or do you want me to read it for you
13 again?

14 EXECUTIVE DIRECTOR BAEDEKER: Can you just -- I
15 think it's a simple correction there. Can you put it on the
16 proposed language and give it to --

17 CHAIR WINNER: Here.

18 EXECUTIVE DIRECTOR BAEDEKER: -- or, here, we have
19 it.

20 CHAIR WINNER: Rob's got it.

21 Give it to Madeline, who is making the motion,
22 please.

23 By the way, while they're doing that, Eric, I
24 noticed that you had a card on item 13, Eric Sandler. And
25 since we moved that to the next meeting, do you still want

1 to speak on that? I didn't mean to skip over you there.

2 MR. SINDLER: It's not a problem. Eric Sindler on
3 behalf of The Stronach Group.

4 All we were going to say is we completely support
5 this. And in the interim, while it's working through the
6 regulatory process, we're looking into it to see if we can
7 make it a house rule in the interim.

8 CHAIR WINNER: Thank you.

9 MR. SINDLER: You're welcome.

10 CHAIR WINNER: That was item 13 you were speaking
11 about?

12 MR. SINDLER: Correct.

13 CHAIR WINNER: Thank you.

14 VICE CHAIR AUERBACH: So do I have to read this
15 whole thing?

16 EQUINE MEDICAL DIRECTOR ARTHUR: No. I would just
17 read --

18 EXECUTIVE DIRECTOR BAEDEKER: No, just the
19 changes.

20 VICE CHAIR AUERBACH: Okay. Number one, the
21 phenylbutazone in a dosage amount that the test samples
22 shall contain no more than -- is that 300? --

23 EQUINE MEDICAL DIRECTOR ARTHUR: 300 nanograms.

24 VICE CHAIR AUERBACH: -- 300 nanograms. It's
25 called micrograms here.

1 EQUINE MEDICAL DIRECTOR ARTHUR: No. It --

2 VICE CHAIR AUERBACH: And then the flunixin in a
3 dosage amount that the test samples shall contain no more
4 than 3 nanograms. And the ketoprofen -- wow --

5 EQUINE MEDICAL DIRECTOR ARTHUR: Ketoprofen.

6 VICE CHAIR AUERBACH: -- in a dosage amount that
7 the test sample should contain no more than 1 nanogram.

8 EQUINE MEDICAL DIRECTOR ARTHUR: Right.

9 CHAIR WINNER: So the language now reads with
10 those changes.

11 VICE CHAIR AUERBACH: And I move those changes.

12 CHAIR WINNER: And you've moved?

13 VICE CHAIR AUERBACH: Yes, I have.

14 CHAIR WINNER: Is there a second?

15 EXECUTIVE DIRECTOR BAEDEKER: May I ask one more
16 question?

17 CHAIR WINNER: Yes, you may.

18 EXECUTIVE DIRECTOR BAEDEKER: Just to be --
19 Commissioner Solis asked the question, and I don't know the
20 answer, in Paragraph A it refers to 24 hours. Should that
21 be changed to 48 or is that still applicable?

22 EQUINE MEDICAL DIRECTOR ARTHUR: That's still
23 applicable for the drugs that they're talking about, and
24 those are local anesthetics and narcotic analgesics.

25 EXECUTIVE DIRECTOR BAEDEKER: Okay.

1 EQUINE MEDICAL DIRECTOR ARTHUR: And those drugs
2 would -- none of those drugs, if we can find them, would
3 still be -- have an effect. In other words, if we can't
4 find them there the residues aren't going to be a problem.

5 COMMISSIONER RUANO: Can I ask a quick question,
6 just --

7 CHAIR WINNER: Please do.

8 COMMISSIONER RUANO: -- regarding -- the changes
9 seem kind of drastic for phenylbutazone, whatever, from 2 to
10 300. It has --

11 EQUINE MEDICAL DIRECTOR ARTHUR: 2 micrograms to
12 300. A microgram is 1,000 nanograms.

13 COMMISSIONER RUANO: Okay.

14 EQUINE MEDICAL DIRECTOR ARTHUR: Okay. So, yes,
15 what it does is it takes it from -- the original proposal
16 was drafted at the time that we still had a 24-hour stand-
17 down for nonsteroidal anti-inflammatories. We now are
18 shooting for a 48-hour stand-down. And these are the --
19 consistent with the RCI 48-hour --

20 COMMISSIONER RUANO: Okay.

21 EQUINE MEDICAL DIRECTOR ARTHUR: -- thresholds.

22 COMMISSIONER RUANO: Okay.

23 EQUINE MEDICAL DIRECTOR ARTHUR: After the first
24 24 hours, they drop rather dramatically.

25 CHAIR WINNER: All right. I'll ask again because

1 I have a card, Debbie Barklay, are you still here and, if
2 you are, do you still want to speak on this issue? And I
3 think she is not here.

4 So there is a motion by Vice Chair Auerbach,
5 seconded by --

6 COMMISSIONER RUANO: Second.

7 CHAIR WINNER: -- Commissioner Ruano. Any
8 discussion?

9 Commissioner Ruano?

10 COMMISSIONER RUANO: Yes.

11 CHAIR WINNER: Vice Chair Auerbach?

12 VICE CHAIR AUERBACH: Yes.

13 CHAIR WINNER: Chair votes yes.

14 Commissioner Solis?

15 COMMISSIONER SOLIS: Yes.

16 CHAIR WINNER: Commissioner Maas?

17 COMMISSIONER MAAS: Yes.

18 CHAIR WINNER: Commissioner Alfieri?

19 COMMISSIONER ALFIERI: Yes.

20 CHAIR WINNER: Commissioner Alfieri votes yes.

21 Thank you.

22 And for everybody who is here, thank you very,
23 very much for your attendance. We will be going into
24 Executive Session. For those of you on the Board, and for
25 the rest of you, thank you very much.

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This meeting is adjourned.

(The regular meeting of the California Horse Racing Board
concluded at 12:36 p.m.)

CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of April, 2019.



MARTHA L. NELSON, CERT**367

CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



MARTHA L. NELSON, CERT**367

April 21, 2018